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ILLUSTRATIVE OF ENGLISH CHURCH HISTORY

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DOCUMENTS

ILLUSTRATIVE OF ENGLISH CHURCH HISTORY

WITHDRAWN

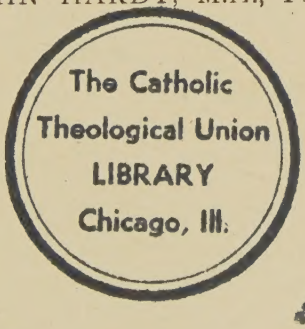
COMPILED FROM ORIGINAL SOURCES

BY

HENRY GEE, D.D., F.S.A.

AND

WILLIAM JOHN HARDY, M.A., F.S.A.



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I CAN confidently say that this is a Book which will, and indeed must, be received as a great boon by English Churchmen. The plan on which it is conceived, the selection of documents which it contains, and the way in which they are arranged and edited, are alike very good; and the result is a practically most useful volume. I hope that it will be received as it deserves.

W. OXON.

Feb. 14, 1896.

PREFACE

THIS volume of 'Documents Illustrative of English Church History' has been compiled in order to meet a want frequently felt by students who desire to see for themselves the text of the more important documents referred to in the course of their reading.

It was obviously impossible, within a limited space, to include all such documents; but we hope that we have given at least the majority of those of primary importance which are of a later date than the Norman Conquest. Our meagre selection prior to that date is to be accounted for by the fact that our original scheme was to include nothing earlier than the year 1066; but, on the suggestion of Dr. Bright, Regius Professor of Ecclesiastical History at Oxford, we have inserted a few more ancient documents which are intimately connected with the great landmarks in our early Church history.

In making our selection we have considered not only general theological students, but also those who may desire to acquaint themselves more fully with Church history at the chief constitutional epochs.

We have, therefore, given a particularly large number of documents belonging to the sixteenth and seventeenth centuries.

We have not, as a rule, inserted the post-Reformation canons and articles of religion; not merely because of their length, but on account of their being contained in such books as Hardwick's *History of the Articles*, and Walcott's *Canons of the Church of England*, which are readily accessible works.

We have printed, in most cases, from originals or nearly contemporary copies, but we have not gone behind Haddan and Stubbs' *Councils and Ecclesiastical Documents*, the volumes in the Rolls Series, or the official edition of the Statutes of the Realm. With regard to the last, we have however, in cases of doubt, referred to the manuscript source from which they were printed. We have thought it best to translate documents written in Latin or Norman French, and have modernized the spelling of those written in English.

We desire to return our sincere thanks to the Bishop of Oxford, to Dr. Bright, and to Archdeacon Perry for most kindly advising us as to the list of documents we proposed to include in this volume. To the Bishop of Oxford we are further indebted for reading over the proof-sheets, and for his numerous and deeply valued suggestions thereon.

HENRY GEE.
W. J. HARDY.

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ILLUSTRATIVE OF THE HISTORY OF

THE ENGLISH CHURCH

I.

THE BRITISH SIGNATORIES AT THE COUNCIL AT ARLES, A. D. 314.

314. This document, although referring strictly to the British Church, is inserted here for convenience sake. It is printed by Haddan and Stubbs, i. 7, from Labbe, I. 1430. Labbe gets it from a Corbey MS. See a discussion of its value in H. and S. *l. c.* Towards the latter part of the signatures to the Canons of Arles, and inserted amongst the Gallican Bishops, occur the following names :—

Eborius, Bishop of the City of York in the province of Britain.

Restitutus, Bishop of the City of London in the province above written.

Adelfius, Bishop of the City Colonia Londinensium (see this discussed in Bright, *Early English Church History*, p. 9).

Sacerdos, Priest; Arminius, Deacon.

II.

LETTER OF GREGORY THE GREAT TO EULOGIUS, A.D. 598.

598. THE following extract is taken from a letter in which Gregory tells Eulogius, Patriarch of Alexandria, of the successful work carried on by St. Augustine of Canterbury. The date is discussed by H. and S. iii. 14. The letter occurs in Gregory's *Epistles*, vii. 30.

[Tr. H. and S. iii. 12.]

This news is a return for that of Eulogius,

Gregory to Eulogius, bishop of Alexandria. . . . Now since in the good deeds which you do, that really grows which you rejoice over with others as well, I return your favour to you and give you news not unlike, how that whilst the people of the English, placed in a corner of the world, still remained without faith in the worship of stocks and stones, I resolved with the aid of your prayer that I ought to send to it with God's assistance a monk from my monastery to preach. He, by licence given from me, was made bishop by the bishops of the Germanies (Germaniarum) and with their encouragement was brought on his way to the people aforesaid in the ends of the world; and now already, writings have reached us concerning his safety and work, how that both he and they who were sent with him are radiant with such great miracles amongst this same people, that they seem to imitate the powers of the apostles in the signs that they display. Indeed, on the solemn feast of the Lord's Nativity now past in this first indiction, more than ten thousand Angles, it is announced, were baptized by the same our brother and fellow-bishop. And this I have told that you may know what you do among the people of Alexandria by speaking, and what in the ends of the world by prayer. For your prayers are in that place where you are not, whilst your holy deeds are exhibited in that place where you are.

and concerns the mission and success of Augustine,

who is now bishop and is notorious for miracles.

His success is an answer to the prayers of Eulogius.

III.

ANSWERS OF GREGORY THE GREAT TO ST. AUGUSTINE OF CANTERBURY,

A. D. 601.

601. THESE answers are translated from Bede, *H. E.* i. 27. They occur also in Gregory's *Letters*, xi. 64. Their date is given in the document as 601. Augustine had written about 598. The date is discussed by Dr. Bright, *E. E. C. H.*, p. 57.

[Tr. Bede.]

1. Concerning Church contributions and mutual relation of bishop and clergy.

The First Question of St. Augustine, bishop of the Church of Canterbury: Concerning bishops, on what terms they should live with their clergy? into how many portions are the offerings of the faithful to the altar to be divided? and how is the bishop to act in the Church?

Gregory, Pope of the City of Rome, answers: Holy writ, in which no doubt you are well versed, testifies, and particularly St. Paul's Epistle to Timothy, wherein he endeavours to instruct him how he should behave himself in the house of God, answers this question. But it is the custom of the Apostolic See to prescribe rules to bishops newly ordained, that all emoluments which accrue, are to be divided into four portions;—one for the bishop and his household, because of hospitality and entertainment; another for the clergy; a third for the poor; and the fourth for the repair of churches. But in regard that you my brother—being brought up under monastic rules, are not to live apart from your clergy in the English Church, which, by God's assistance, has been lately brought to the faith—you are to follow that course of life which our forefathers did in the time of the primitive Church, when none of them said anything that he possessed was his own, but all things were in common among them.

The contributions to be divided into four parts.

Augustine is to live with his clergy.

601. Clerks in minor orders may live as married men, yet under rule.

But if there are any clerks not received into holy orders, who cannot live continent, they are to take wives, and receive their stipends abroad; because we know it is written in the authorities above mentioned, that a distribution was made to each of them according to his wants. Care is also to be taken of their stipends, and provision to be made, and they are to be held under ecclesiastical rule, that they may live orderly, and attend to singing of psalms, and, by the help of God, preserve heart, and tongue, and body from all that is unlawful. But as for those that live in common, why need we say anything of assigning portions, or keeping hospitality and exhibiting mercy? inasmuch as all that can be spared is to be spent in pious and religious works, according to the commands of Him who is the Lord and Master of all: 'What remains give in alms, and behold all things are clean unto you.'

2. Concerning Liturgical differences.

Augustine's Second Question: Whereas the faith is one and the same, are there different customs in different Churches? and is one custom of masses observed in the Holy Roman Church, and another in that of the Gauls?

Here a prudent selection is to be allowed.

Pope Gregory answers: You know, my brother, the custom of the Roman Church, in which you remember you were bred up. But it pleases me, that if you have found anything, either in the Roman [Church] or [that] of the Gauls, or any other Church, which may be more acceptable to Almighty God, you carefully make choice of the same, and sedulously teach the Church of the English, which as yet is new in the faith, whatsoever you can gather from the several Churches. For things are not to be loved for the sake of places, but places for the sake of good things. Choose, therefore, from each Church those things that are pious, religious, and correct, and when you have, as it were, made them up into one body, let the minds of the English be accustomed thereto.

3. Concerning

Augustine's Third Question: I beseech you to inform

me what punishment must be inflicted if any one shall take anything by theft from the Church? 601. cases of theft from the Church.

Gregory answers: You may judge, my brother, by the person of the thief, in what manner he is to be corrected. For there are some who, having substance, commit theft; and there are others who transgress in this point through want; Wherefore it is requisite, that some be punished by fine, others with stripes; some with greater severity, and some more mildly. And when greater severity is used, it is to proceed from charity, not from passion; because this is done to him who is corrected, that he may not be delivered up to hell-fire. For it behoves us to maintain discipline among the faithful, as good parents do with their children after the flesh, whom they punish with stripes for their faults, and yet design to make those their heirs whom they chastise; and they preserve what they possess for those whom they seem in anger to punish. This charity is, therefore, to be kept in view, and it dictates the measure of the punishment, so that the mind may do nothing beyond the rule of reason. You may add, that they ought to restore those things which they have stolen from the Church. But, God forbid that the Church should receive increase from those earthly things which it seems to lose, or seek gain out of such vain things.

Here motives are to be distinguished and discipline to be maintained accordingly, and restitution to be made.

Augustine's Fourth Question: Whether two brothers may marry two sisters, which are of a family far removed from themselves?

4. Two brothers may marry two sisters not near akin to them.

Gregory answers: This may assuredly be done; for nothing is found in holy writ that seems to contradict it.

Augustine's Fifth Question: To what degree may the faithful marry with their kindred? and whether it is lawful for men to marry their stepmothers and sisters-in-law [*cognatis*]?

5. Concerning marriage with a stepmother or sister-in-law.

Gregory answers: A certain worldly law in the Roman Commonwealth allows, that the son and daughter of a

601. brother and sister, or of two brothers, or two sisters, may be joined in matrimony; but we have found, by experience, that the offspring of such wedlock cannot thrive; and the Divine Law forbids a man to 'uncover the nakedness of his kindred.' Hence of necessity they must be of the third or fourth generation of the faithful, that can be lawfully joined in matrimony; for the second, which we have mentioned, must altogether abstain from one another. To marry with one's stepmother is a heinous crime, because it is written in the Law, 'Thou shalt not uncover the nakedness of thy father': now the son, indeed, cannot uncover his father's nakedness; but in regard that it is written, 'They shall be two in one flesh,' he that presumes to uncover the nakedness of his stepmother, who was one flesh with his father, certainly uncovers the nakedness of his father. It is also prohibited to marry with a sister-in-law, because by the former union she is become the brother's flesh. In connexion with which thing also John the Baptist was beheaded, and consummated with holy martyrdom. For, though he was not ordered to deny Christ, and indeed was killed for confessing Christ, yet in regard that the same Jesus Christ, our Lord, said, 'I am the Truth,' because John was killed for the truth, he also shed his blood for Christ. But forasmuch as there are many in the nation of the English, who, whilst they were still in infidelity, are said to have been joined in this execrable matrimony, they, when they come to the faith, are to be admonished to abstain from each other, and be made to know that this is a grievous sin. Let them fear the dreadful judgment of God, lest, for the gratification of their carnal appetites, they incur the torments of eternal punishment. Yet they are not on this account to be deprived of the communion of the sacred Body and Blood of the Lord, lest we should seem to visit upon them those things which they did through ignorance, before they had

Marriage with cousins is legal but to be deprecated;

with a mother-in-law it is criminal;

with a sister-in-law too.

Those who have contracted illicit unions, when heathen, are to revoke them.

received baptism. For at this time the Holy Church chastises some things through zeal, and tolerates others through leniency, and connives at some things through discretion, that so she may often, by this forbearance and connivance, suppress the evil which she disapproves. But all that come to the faith are to be admonished not to perpetrate such crimes. And if any shall be guilty of them, they are to be excluded from the communion of the Body and Blood of the Lord, although the offence is, in some measure, to be tolerated in those who have done it in ignorance. 601. The faithful who contract them are to be excommunicated.

Augustine's Sixth Question: Whether a bishop may be ordained without other bishops being present, in case there be so great a distance between them that they cannot easily assemble? 6. Concerning the consecrators of a bishop.

Gregory answers: As for the Church of the English, in which you are as yet the only bishop, you can no otherwise ordain a bishop than in the absence of other bishops; for when do bishops come from Gaul, to be present as witnesses to you in ordaining a bishop? But we would have you, my brother, to ordain bishops in such a manner that the said bishops may not be far asunder, that when a new bishop is to be ordained, there be no difficulty, but that other pastors also, whose presence is necessary, may easily come together. Thus when, by the help of God, bishops shall be so constituted in places everywhere near to one another, no ordination of a bishop is to be performed without assembling three or four bishops. For, even in spiritual affairs, we may take example by the temporal, that they may be wisely and deliberately conducted. It is certain, that when marriages are celebrated in the world, some married persons are assembled, that those who have preceded in the way of matrimony should partake in the joy of the subsequent union also; why, then, at this spiritual ordination, wherein, by means of the sacred ministry, man is joined to God, should not such persons be assembled as may either rejoice Consecration by one bishop is valid if necessary. but the canonical rule should be observed if possible. Such witnesses are natural and advisable.

601. in the advancement of the new bishop, or jointly pour forth their prayers to Almighty God for his preservation?

7. Concerning the British and Gallic bishops.

Augustine's Seventh Question: How are we to deal with the bishops of the Gauls and Britain?

Augustine has no Gallic jurisdiction,

Gregory answers: We give you no authority over the bishops of the Gauls, because the bishop of Arles received the pall in ancient times from my predecessors, and we are not to deprive him of the authority he has received. If it shall therefore happen, my brother, that you go over into the province of the Gauls, you are to treat with the said bishop of Arles, and if there be any faults among the bishops, they may be amended; and if he shall be lukewarm in keeping up discipline, he must be corrected by your zeal.

but is to provoke to love and good works.

To him we have also written, that when your holiness shall be in Gaul, he may also use all his endeavours to assist you, and restrain among the bishops all that shall be opposite to the command of our Creator. But you shall not, outside your own jurisdiction, have power to judge the bishops of the Gauls, but by persuading, soothing, and showing good works for them to imitate, you shall reform the minds of wicked men to the pursuit of holiness; for it is written in the Law, 'When thou comest into the standing corn of thy neighbours, then thou mayest pluck the ears with thine hand; but thou shalt not move a sickle unto thy neighbour's standing corn, but rub the ears of corn in thine hand and eat.' For thou mayest not apply the sickle of judgment to that harvest which seems to have been committed to another; but by the love of good works, thou shalt clear the Lord's wheat from the chaff of their vices, and convert them into the body of the Church by admonition and persuasion, as it were taking a bite [*mandendo*]. But whatsoever is to be done by authority, must be transacted in conjunction with the aforesaid bishop of Arles, lest that should be omitted, which the ancient institution of the fathers has

Full jurisdiction is

appointed. But as for all the bishops of Britain, we commit

them all to your care, that the unlearned may be taught, the weak strengthened by persuasion, and the perverse corrected by authority. 601. allowed over the British Bishops.

[Various other answers follow on questions of ceremonial purity.]

IV.

GREGORY THE GREAT'S SCHEME OF ENGLISH DIOCESAN ORGANIZATION, A.D. 601.

THIS scheme was communicated to St. Augustine in a letter which arrived at the same time as the previous document. Bede, *H. E.* i. 29; Gregory, *Ep.* xi. 65. 601.

[Gidley's tr. revised.]

To the most reverend and holy brother and fellow-bishop, Augustine, Gregory, servant of the servants of God. Although it is certain that the unspeakable rewards of the eternal kingdom are kept for those who labour for God Almighty, it is, however, necessary for us to render to them the benefits of honours, that from this recompense they may be able to labour more abundantly in the zeal of their spiritual work. And because the new Church of the English is brought to the grace of Almighty God by the bounty of the same Lord, and by your toil, we grant to you the use of the pall in the same to perform the solemnities of masses only, so that in several places you ordain twelve [several] bishops to be under your authority so far as that the bishop of the City of London ought always hereafter to be consecrated by his own synod and receive the pall of honour from this holy and Apostolic See which, by God's authority, I serve. Moreover we will that you send a bishop to York, whom you shall have seen fit to ordain—yet only so that if the same city shall receive the word of God along with the neighbouring places, he himself also ordain twelve bishops,

As a stimulus and honour we grant you the pall,

and desire you to consecrate twelve suffragans.

You are to appoint a bishop for York who is also to have twelve suffragans.

601. and enjoy the honour of metropolitan, because if our life last we intend, with the Lord's favour, to give him also the pall. But we will that he be subject to your authority, my brother, and that after your decease he should preside over the bishops he has ordained, but without being in any wise subject to the Bishop of London. Moreover, for the future, let there be this distinction of honour between the bishops of the City of London and of York, that he himself take the precedence who has been first ordained. But whatever things are for the zeal of Christ must be done by common counsel and harmonious action: let them arrange these concordantly, let them take right views and give effect to their views without any mutual misunderstanding. But you, my brother, shall have subject to you not only the bishops you ordain, and not solely those ordained by the Bishop of York, but as well all the priests of Britain, by the authority of our Lord Jesus Christ, so that from the lips and life of your holiness they may receive the form both of correct belief and of holy life, and fulfilling their office in faith and morals, may, when the Lord wills, attain the kingdom of heaven. May God keep you safe, most reverend brother. Dated the 22nd of June in the 19th year of the reign of Mauritius Tiberius, the most pious Augustus, in the 18th year after the consulship of the same lord, in the 4th indiction.

The primacy of Canterbury is over all, but for your life only, and after that the senior bishop, whether of London or York, is to take precedence.

In any case let harmony subsist. You are to be an example to all priests as well as bishops under your authority.

V.

COUNCIL OF HERTFORD, A.D. 673.

673. THE following document is a translation of Bede, *H. E.* iv. 5, in which he describes the circumstances and the canons of a Council held by Theodore at Hertford, Sept. 24, A.D. 673.

[Gidley's tr. revised.]

Circumstances of the synod. In the name of our Lord God and Saviour Jesus Christ, in the perpetual reign and government of our Lord Jesus

Christ. It seemed good that we should come together according to the prescription of the venerable canons, to treat of the necessary affairs of the Church. We are met together on this 24th day of September, the first indiction, in a place called Hertford, I, Theodore, bishop of the Church of Canterbury, appointed thereto, unworthy as I am, by the Apostolic See, and our most reverend brother Bisi, bishop of the East Angles, together with our brother and fellow-bishop Wilfrid, bishop of the nation of the Northumbrians, who was present by his proper legates, as also our brethren and fellow-bishops, Putta, bishop of the Castle of the Kentishmen, called Rochester, Leutherius, bishop of the West Saxons, and Winfrid, bishop of the province of the Mercians were present; and when we were assembled and had taken our proper places, I said: I beseech you, beloved brethren, for the fear and love of our Redeemer, that we may faithfully enter into a common treaty for the sincere observance of whatsoever has been decreed and determined by the holy and approved fathers. I enlarged upon these and many other things tending unto charity, and the preservation of the unity of the Church. And when I had finished my speech I asked them singly and in order whether they consented to observe all things which had been of old canonically decreed by the fathers? To which all our fellow-priests answered: we are all well agreed readily and cheerfully to keep whatever the canons of the holy fathers have prescribed. Whereupon I presently produced the book of canons, and pointed out ten particulars, which I had marked as being in a more special manner known by me to be necessary for us, and proposed that all would undertake diligently to observe them, namely: 673.

Theodore produces ten canons for their acceptance.

1. That we shall jointly keep Easter Day on the Lord's Day after the fourteenth day of the moon in the first month. 1. Date of Easter.

2. That no bishop invade the diocese [*parochia*] of 2. Episcopal limits.

673. another, but be content with the government of the people committed to him.

3. Bishops and monasteries. 3. That no bishop be allowed to offer any molestation to monasteries consecrated to God, nor to take away by violence anything that belongs to them.

4. Wandering monks. 4. That the monks themselves go not from place to place, that is from one monastery to another, without the leave of their own abbot, but continue in that obedience which they promised at the time of their conversion.

5. Wandering clergy. 5. That no clerk, leaving his own bishop, go up and down at his own pleasure, nor be received wherever he comes without the commendatory letters of his bishop; but if he be once received and refuse to return when he is desired so to do, both the receiver and the received shall be laid under an excommunication.

6. Treatment of strange clergy. 6. That strange bishops and clerks be content with the hospitality that is freely offered them, and let not any of them exercise any priestly function without permission of the bishop in whose diocese he is known to be.

7. Yearly synods. 7. That a synod be assembled twice in the year. But because many occasions may hinder this, it was jointly agreed by all that once in the year it be assembled on the first of August at the place called Cloveshoo.

8. Episcopal precedence. 8. That no bishop put himself before another out of an affectation of precedence, but that every one observe the time and order of his consecration.

9. Subdivision of sees. 9. We had a conference together concerning increasing the number of bishops in proportion to the number of the faithful, but we determine nothing as to this point at present.

10. Concerning marriage. 10. As to matrimony: that none be allowed to any but what is lawful. Let none commit incest. Let no one relinquish his own wife, but for fornication, as the Gospel teaches. But if any shall have dismissed a wife to whom he has been lawfully married, let him not be coupled to

another if he wish to be really a Christian, but remain as he is or be reconciled to his wife. 673.

After we had jointly treated upon and determined these points, to the intent that no scandalous contention should be raised henceforth by any of us, and that there should be no mistake in the publication of them, it seemed proper that every one of us should confirm them by the subscription of his own hand, according as they had been determined. I dictated this our definitive sentence to be written by Titillus the notary. Done in the month and indiction above written. Whosoever therefore shall attempt to oppose and infringe this sentence, confirmed by our consent and the subscription of our hands as agreeable to the decrees of the canons, let him know that he is forbidden every function of a priest and all society with us. May the Divine grace preserve us safe in the unity of the Church so long as we live.

Subscription and confirmation of the canons.

VI.

COUNCIL OF HATFIELD, A.D. 680.

THE following account of the Council, held by Theodore at Hatfield, Sept. 17, 680, is supplied by Bede, *H. E.* iv. 17, 18. 680.

[Gidley's tr. revised.]

At this time Theodore, hearing that the faith of the Church at Constantinople had been much disturbed by the heresy of Eutyches, and being desirous that the Churches of the English, over which he ruled, should abide free from such a stain, having collected an assemblage of venerable priests and very many doctors, diligently inquired what belief they each held, and found an unanimous agreement of all in the Catholic faith; and this he took care to commit to a synodal letter for the instruction and remembrance of posterity; of which letter, to wit, this is the beginning:—

Circumstances of the synod.

'In the name of our Lord and Saviour Jesus Christ, in

Its date and place.

680. the reign of our most pious lords, Egfrid, king of the Humbrians, in the tenth year of his reign, on the fifteenth day before the Kalends of October; and Ethelred, king of the Mercians, in the sixth year of his reign; and Aldwulf, king of the East Angles, in the seventeenth year of his reign; and Hlothair, king of the Kentishmen, in the seventh year of his reign. Theodore being president, by the grace of God, archbishop of the island of Britain and of the city of Canterbury, and other venerable men sitting with him, bishops of the island of Britain, with the holy Gospels laid before them, in the place which is called by the Saxon name of Hatfield; we handling the subject in concert, have made an exposition of the right and orthodox faith, even as our Incarnate Lord Jesus Christ delivered it to his disciples, who saw him present, and heard his discourses, and as the creed of the holy fathers has delivered, and generally all the assembly of approved doctors of the Catholic Church—we therefore piously and orthodoxly following them, and making our profession according to their divinely inspired teaching, believe in unison with it, and confess according to the holy fathers, that the Father and Son and Holy Ghost are properly and truly a consubstantial Trinity in Unity and Unity in Trinity; that is one God in three consubstantial subsistencies [*subsistentiis*], or Persons of equal glory and honour.'

Ratification of the Catholic faith of the Trinity.

And after many things of this kind that pertained to the confession of the right faith, the holy synod also adds this to its letter:—

'We have received, as holy and universal, five synods of the fathers blessed and acceptable to God, that is of the 318 who were assembled at Nicæa against the most impious Arius and the tenets of the same; and of 150 at Constantinople against the madness of Macedonius and Eudoxius and their dogmas; and of 200 in the first Council of Ephesus against the most wicked Nestorius, and the

Acceptance of the five general Councils and the Roman Council of 649.

dogmas of the same; and of 630 at Chalcedon against Eutyches and Nestorius and their dogmas; and again of those who were assembled in a fifth Council at Constantinople, in the time of the younger Justinian, against Theodore and the epistles of Theodoret and Ibas and their dogmas, against Cyril.' 680.

And a little after: 'Also we have received the synod that was held in the city of Rome in the time of the blessed Pope Martin in the eighth indiction in the ninth year of the reign of the most pious Constantine[1]. And we glorify our Lord Jesus Christ as they glorified him, neither adding nor subtracting anything; and we anathematize with heart and mouth those whom they anathematized; and those whom they received we receive, glorifying God the Father without beginning, and his only-begotten Son, begotten of the Father before the world began, and the Holy Ghost proceeding ineffably from the Father and the Son, as those holy apostles and prophets and doctors have declared of whom we have spoken above. And all we who have with Theodore made an exposition of the Catholic faith have subscribed hereto.' Anathema of all contrary doctrine.

VII.

THE CANONS OF CLOVESHOO, A.D. 747.

MANY Councils were held at Cloveshoo, whatever the correct identification of the place may be. The most important of all recorded took place in the year 747, for the reformation of abuses. An abstract of the Acts of this Council is given in William of Malmesbury, *Gest. Pont.* i. 5. See H. and S. iii. 360. The document translated below is now lost. Spelman printed it from Cotton MS., Otho A. 1, which was burnt in the fire of 1731. 747.

[Johnson's tr. revised.]

In the perpetual reign of our Lord Jesus Christ, who orders all things at the command of the Father, and by the

[1] A mistake for Constans.

747. lively grace of the Holy Ghost. The under-written acts were done in synod, at the beginning of September, near the place called Cloveshoo: these prelates of the Churches of Christ, beloved of God, being present, viz.—The honourable Archbishop Cuthbert; and the venerable prelate of the Church of Rochester, Dun; and the most reverend bishops of the Mercians, Totta, and Huita, and Podda; and the most approved prelates of the West [Saxons], Hunferd and Herewald; and the venerable priests Heardulf of the East Angles, and Ecgulph of the East Saxons, and Milred of the Hwiccians; also the honourable bishops, Alwi of the province of Lindsey, and Sicga of the South Saxons, in the year of our Lord's incarnation 747, indiction 15, the 32nd year of the reign of Ethelbald, king of the Mercians, who was then present with his princes and chief men [*ducibus*].

Place, members, and date of the Council.

When the said prelates of the sacred order, of divers provinces of Britain, with many priests of the Lord, and of those of the ecclesiastical order in lesser dignities, met the venerable Archbishop Cuthbert at the place of synod, and they were set down to treat of, and settle the unity of the Church, and the state of Christianity, and agreement of peace, after a devout mutual salutation, the writings of Pope Zachary (the Pontiff and Apostolic Lord, to be venerated throughout the world) in two charters, were in the first place produced, and publicly recited, and explained in our own tongue, as he himself, by his apostolic authority, enjoined. In which writings the famous pontiff Zachary admonished, in a familiar manner, the inhabitants of this Isle of Britain, of our stock, of every rank and degree of quality, and authoritatively charged them, as present before him, and lastly in a loving manner entreated them, and suggested among other things that a sentence of anathema should be certainly published against those that persisted in their pertinacious malice and contempt of all this; as in them is evident to those who read.

Letters from Pope Zachary are produced,

747. and the bishops mutually admonish one another.

After the reading thereof, and the dread admonition, the prelates who were promoted by God to be masters to others, betook themselves to mutual exhortations; and contemplated themselves, and their office (by which others were to be instructed in the service of God) in the Homilies of the blessed Father Gregory, and in the canonical decrees of the holy fathers, as in a bright mirror.

The canons follow: 1. That bishops carefully attend to their pastoral charge and life, and not to secular business.

1. And then, at the outset of their decrees, they established it with authentic sanction, that every bishop be ready to defend the pastoral charge entrusted to him, and the canonical institutions of the Church of Christ (by God's protection and assistance), with his utmost endeavour, against the various and wicked assaults [that are made upon them]; nor be more engaged in secular affairs (which God forbid) than in the service of God, by looseness in living and tardiness in teaching, but be adorned with good manners, with the virtues of abstinence, with works of righteousness, and with learned studies, that so, according to the apostle, they may be able to reform the people of God by their example, and instruct them by the preaching of sound doctrine.

2. Mutual peace to be observed by all ecclesiastics.

2. In the second place, they firmly agreed with an attestation, that they would devote themselves to intimate peace and sincere charity, everywhere amongst them perpetually to endure; and that there should be one concord of all amongst all men of ecclesiastical religion, in word, in work, in judgment (without flattering of any person), as being ministers of one Lord, and fellow-servants in one ministry: that though they are far distant in sees, yet they may be joined together in mind by one Spirit, serving God in faith, hope, and charity, praying diligently for one another, that each one of them may faithfully finish his race.

3. Bishops to visit their dioceses every year.

3. In the third place they enacted, that every bishop should every year visit his diocese [*parochiam*], by travelling through it, going about, and making an inspection into it;

747. and that he should call to him at convenient places the people of every condition and sex, and plainly teach them who rarely hear the word of God: forbidding them, among other sins, pagan observances, diviners, sorcerers, auguries, omens, amulets, charms, or all the filth of the wicked, and the errors of the Gentiles.

4. Bishops are to exhort all monastic heads to observe rule.

4. In the fourth article of agreement they have determined that the bishops do admonish the abbots and abbesses, within their dioceses, that they be examples of good life, and take diligent care that those subject to them be regular in their conversation; yet so as that they remember to love their own families worthily in the Lord; to treat them not as servants but as children; to provide necessaries for them, according to the monastic way of life and to their utmost ability; that the same abbots and abbesses fully discharge their trust, as to the estates of their monasteries, and by all means take heed that they be not robbed of them.

5. Secular monasteries to be reformed.

5. It was argued in the fifth place, that it is necessary for bishops to go to the monasteries (which in these times cannot be in any wise reformed according to the model of Christianity, by reason of the violence of tyrannical covetousness), which are, we know not how, possessed by secular men, not by Divine law, but by presumptuous human invention. Yet they [the bishops] ought to go for the health of the souls who dwell therein; and among their other exhortations provide that what is already in a declining state be not further risked for want of the ministry of a priest, though their possessors promote this state of things.

6. Candidates for ordination to be examined.

6. It is ordained by the sixth decree, that bishops ordain no monk, or clerk, to the degree of a priest, till they first make open inquiry into his former life, and into his present probity of manners and knowledge of the faith. For how can he preach sound faith, or give a knowledge of the word, or discreetly enjoin penance to others, who has not earnestly bent his mind to these studies; that he may be

able according to the apostle, 'To exhort with sound doctrine.' 747.

7. They decreed in the seventh article of agreement, that bishops, abbots, and abbesses, should by all means take care and diligently provide, that their families do incessantly apply their minds to reading, and that knowledge be spread by the voices of many to the gaining of souls, and to the praise of the Eternal King. For it is sad to say, how few, in these times, do heartily love and labour for sacred knowledge, and are willing to take pains in learning: but they are from their youth up rather employed in divers vanities, and the affectation of vain-glory; and they rather pursue the amusements of this present unstable life, than the assiduous study of the Holy Scriptures. Therefore let boys be kept and trained up in the schools, to the love of sacred knowledge, that being by this means well learned, they may become in all respects useful to the Church of God. And let not the rulers [*rectores*] be so greedy of worldly labour as to render the house of God vile for want of spiritual adornment. 7. Monks are to give attention to reading.

8. Under the eighth head, they admonished priests incessantly to remember to what purpose they are promoted above others, by Divine ordination; namely, they that are called 'God's ministers and stewards of the mysteries of Christ,' and then that 'it is required of stewards, that a man be found faithful.' Therefore let them know that it is necessary for them, in regard to God, to desist from secular business and causes, so far as they can, and to discharge their duty at the altar and in divine service with the utmost application; that they carefully preserve the house of prayer, and all its furniture; that they spend their time in reading, celebration of masses, and psalmody; [and] that they be mindful according to their duty enjoined them by God, to be assistants to their abbots and abbesses, with diligence and fidelity, whensoever there seems to be occasion 8. Priests are not to follow secular business.

747. for it, that is, in admonishing, reprehending, and exhorting those subject to them, that others, by their example and life, may be incited to the service of God.

9. Priests are to baptize and to preach diligently.

9. They added next under the ninth head, that priests in places and districts assigned to them by the bishops of the province, take care to discharge the duty of the apostolic commission, in baptizing, teaching and visiting: according to lawful rites, with great diligence, that they may, according to the apostle, 'be accounted worthy of double honour.' And let them by all means take care, as becomes the ministers of God, that they do not give to the seculars or monastics, an example of contemptible or wicked conversation; that is (to say no more) by drunkenness, love of filthy lucre, or obscene talking, and the like.

10. Priests are to understand the meaning of offices and ceremonies.

10. In the tenth decree, they taught that priests should learn to know how to perform according to the lawful rites, every office belonging to their orders. And then let them who know it not, learn to construe and explain in their own tongue, the Creed and Lord's Prayer, and the sacred words which are solemnly pronounced at the celebration of the Mass, and in the office of Baptism. Let them also take care to learn what those sacraments which are visibly performed in the Mass, Baptism, and other ecclesiastical offices, do spiritually signify; lest they be found dumb and ignorant in those intercessions which they make to God, for the atonement of the sins of the people or in their own ministerial offices, if they do not understand the meaning of their own words, [nor] the sacraments, by which others, through them, are making proficiency to eternal life.

11. All priests are to officiate in a uniform way.

11. They proceeded in the eleventh mandate, that all priests should perform every sacerdotal ministry, everywhere, in the same way and fashion, in baptizing, teaching, and giving sentence; and, which is of principal importance, that their sentiments concerning the belief of the sacred

Trinity be right and sincere; and that they do in the first place, teach all, that come to take directions concerning their own life from them, that 'without faith it is impossible to please God.' And that they instil the creed into them, that they may know what to believe and what to hope for: and that they deliver it to infants, or to those who undertake for them in baptism, and teach them carefully the renunciation of the pomps of the devil, and auguries, and divinations; and afterwards teach them to make the established professions. 747.

12. They added in the twelfth article, that priests should not declaim in church like secular poets, lest they spoil or confuse the composition and distinction of the sacred words, by a dramatic pronunciation, but follow the plain song, or holy melody, according to the custom of the Church. Let him who cannot attain to this, simply read, pronounce and rehearse the words, as the moment requires. And let them not presume upon what belongs to the bishop. In the meantime, let priests not presume or attempt in any wise to perform any of those things which are peculiar to bishops in some of the ecclesiastical offices. 12. Priests are to sing the service simply and to keep to their own functions.

13. It is determined by the thirteenth decree, that the holy festivals of our Lord's Incarnation be uniformly observed, viz.—in the office of Baptism, and the celebration of masses, in the manner of singing according to the written copy which we have from the Roman Church. And that the nativities of the saints, throughout the circle of the whole year, be venerably kept on the same day, according to the martyrology of the said Roman Church, with their proper psalmody. 13. Festivals are to be kept in a uniform way.

14. In the fourteenth place it is ordained, that the Lord's day be celebrated by all, with due veneration, and wholly dedicated to divine service. And let all abbots and priests, on that most sacred day, remain in their monasteries and churches and say solemn mass: and laying aside all ex- 14. Of the observance of the Lord's Day.

747. ternal business, and secular meetings and journeyings, except the cause be insuperable, let them by preaching instruct the servants subject to them, from the oracles of Holy Scripture, in the rules of religious conversation and of good living. It is also decreed that on that day and the great festivals, the priests of God do often invite the people to meet in the church, to hear the word of God, and be often present at the sacraments of the masses and at preaching of sermons.

15. The seven canonical hours to be observed.

15. Under the fifteenth head they have determined that the seven canonical hours of prayer, by day and night, be diligently observed, by singing proper psalms and canticles; and that the uniformity of the monastic psalmody be everywhere followed, and nothing be read or sung which is not allowed by common use; but only what is derived from the authority of the Holy Scriptures and what the custom of the Roman Church permits; that so men may unanimously praise God with one mouth. In this they also agreed that ecclesiastics and monastics should remember to entreat the pity of the Divine clemency, not only for themselves, but for kings, and for the safety of Christian people, at the proper hours of prayer.

16. Rogation days to be kept.

16. They agreed under the sixteenth head, that the Litanies, that is Rogations, be kept with great reverence by the clergy, and all the people, on these days, viz.: the seventh of the Kalends of May [April 25] according to the rites of the Roman Church, where this is called the greater Litany; and also according to the custom of our ancestors, on the three days before our Lord's ascension into heaven, with fasting till nones, and celebration of masses, not with a mixture of vanities, as is the fashion of many, who are either negligent or ignorant—that is with games, and horse races, and great banquets; but rather with fear and trembling, with the sign of Christ's passion and of our eternal redemption carried before them, to-

gether with the relics of saints. Let all the people with bended knees humbly entreat the pardon of God for their sins. 747.

17. It was constituted in the seventeenth precept, that the birthday of the blessed Pope Gregory and also the day of the burial of St. Augustine the Archbishop and Confessor (who being sent to the English by the said Pope, our father Gregory, first brought the knowledge of the faith, the sacrament of Baptism, and the notice of the heavenly country), which is the 26th of May, be honourably observed by all: so that each day be kept with a cessation from labour, by ecclesiastics and monastics; and that the name of our blessed father and doctor Augustine be always mentioned in singing the Litany after the invocation of St. Gregory. 17. The festivals of SS. Gregory and Augustine to be kept.

18. It was constituted in the eighteenth mandate, that none should neglect the times of the fasts; that is of the fourth, seventh and tenth month, but that the people be informed of them every year before they begin, that so they may know and observe the established fasts of the Universal Church, and that all may do it in a uniform manner, and make no difference in the observance; but take care to celebrate it according to the rites of the Roman Church, of which we have a written copy. 18. Ember fasts to be kept.

19. It was given in charge in the nineteenth place, that monks and nuns be humbly subject to their superior, regularly constituted, and lead a quiet life under rule, and without dissension, and firmly retain those things which are agreeable to the profession of their habit; and let them not use gorgeous apparel, or such as savours of vainglory, like seculars, but a simple habit, such as agrees with their profession. 19. The religious to observe rule and dress appropriately.

20. It is enacted by the twentieth decree, that bishops by a vigilant inspection in their dioceses, take care that monasteries, as their name imports, be honest habitations of the silent and quiet, and of such as labour for God's sake; not receptacles of recreative arts, of poets, harpers, musicians, 20. Bishops on visitation to see that the religious observe such statutes.

747. and buffoons, but habitations of those who pray, and read, and praise God. And that leave be not given to any secular to roam about through places which are not meant for them, nor to have the run of the inner cells of a monastery, lest at any time they should carry away thence matter for finding fault, if they see or hear anything unbecoming in the cloisters of a monastery; for such familiarity with lay folk, especially in the monasteries of nuns whose discipline is not very strict [*minus regulariter conversantium*], is hurtful and prejudicial; because, by this means, causes of suspicions among adversaries [*adversorum*] or wicked men not only arise, but are in fact committed, and spread abroad, to the bad repute of our [*nostræ*] profession. Let [not] therefore nunneries be dens for unseemly gossip, feastings, drunkenness and luxury, but habitations of such as live in continence and sobriety, and who read and sing psalms; and let these spend their time in reading books and singing psalms, rather than in weaving and working parti-coloured, vainglorious apparel.

21. Against drunkenness in ecclesiastics.

21. It is ordained in the twenty-first place, that monastics and ecclesiastics neither follow nor affect the vice of drunkenness, but avoid it as deadly poison, since the apostle declares, 'Drunkards inherit not the kingdom of God.' And at another place, 'Be not drunk with wine, in which is luxury.' Nor let them force others to drink intemperately, but let their entertainments be cleanly and sober, not luxurious, nor with any mixture of delicacies or buffooneries, lest the reverence due to their habit grow into contempt and be deservedly in ill-repute among seculars: and that unless some necessary infirmity compel them, they do not, like common tipplers, indulge in drinkings till the canonical, that is the third hour, be fully come.

22. Ecclesiastics to communicate frequently.

22. It was decreed in the twenty-second head, that all monastics and ecclesiastics, be admonished to keep themselves always prepared for the Holy Communion of the Body

and Blood of our Lord: and that rectors take diligent care that none of those subject to them lead such dissolute, wretched lives as to be separated from the participation of the altar (their sins so requiring), or be careless in confessing and doing penance for their crimes. If any one be found so, let him be sharply reproved. 747

23. It was added in the twenty-third place, that lay-boys be likewise admonished to communicate, while they are not as yet corrupted, not being of the lustful age; also those of a riper age, whether unmarried or married, who refrain from sin, are to be exhorted to the same purpose, that they frequently communicate, lest they grow weak for want of the salutary meat and drink, since our Lord says, 'Except ye eat the flesh of the Son of Man,' &c. 23. The same injunction for the lay people.

24. It was enacted under the twenty-fourth head, that if any secular desire to enter into the service of the holy profession, he should not receive the tonsure before his conversation and moral qualifications (according to the prescript of the monastic rule) be clearly tried, according to the apostolical precept, saying, 'Try the spirits whether they are of God,' unless some reasonable cause plead for his being previously admitted into the congregation. Further, let bishops of churches and rectors of monasteries know that they ought the more diligently to try and examine every one while he is in the lay habit, before beginning monastic life, that they may the better bear with him, being such as they had upon trial found him, if after his admission he displease, and prove intractable; nor by any means should they rashly expel him for any cause, so that he scandalously go from one layman's house to another, to the reproach of our profession—unless the cause be such that it so happens a decree of a synod has determined that he be dismissed and anathematized by all, in all places, unless he come to satisfaction. 24. Candidates for monastic life to be first proved.

25. It was determined under the twenty-fifth head, that 25. Bishops to publish

747. synodal decrees.

bishops coming from synods, assembling the priests, abbots, and chiefs [of monasteries and churches] within their dioceses and laying before them the injunctions of the synod, should give it in charge that they be kept. And if there be anything which a bishop cannot reform in his own diocese [*diocesi*], let him lay it before the archbishop in synod, and publicly before all, in order to its being reformed.

26. Of almsgiving.

26. In the twenty-sixth place, the sentiments of the fathers concerning the profitableness of alms were produced: that they are necessary to be done by faithful men, in order that past sins may the sooner and more fully be forgiven by God to offenders who do penance by alms; and that the Divine protection may be obtained by them, the same deeds be not again committed, nor any others like them; and that to all who live religiously, the purity of their innocence being graciously preserved by God, a recompense of things eternal may be made to them hereafter in heaven in consideration of their freely disposing of their temporal things here on earth. And certainly alms are not to be given to the intent that a man may commit any the least sins with the greater liberty on account of the alms given by him or by any other in his behalf. But let them be given in the manner aforesaid, for alms are a name and work of mercy; therefore, let whosoever desires to do mercy truly to his own soul, not give alms out of his unjust plunder, but out of his own well-gotten substance. For if it be given out of what is acquired by cruelty or violence, Divine justice is rather provoked than pacified by it, because, according to the Scripture, the alms that are done out of the substance of the poor are like killing the son in the presence of the father (Ecclus. xxxiv. 20). Nor let a man give alms to the needy to the intent that he may more freely immerse himself in gluttony and drunkenness beyond all bounds, lest by putting God's justice to sale he be not only more sharply but more speedily condemned by it. And to speak gener-

ally, let not any man's alms be daily given to God with this view, that they may with impunity indulge their bodily lusts; for they give alms in vain which are not entirely their own and free from any mixture of wicked dealing, who desire and hope, through the blindness of their fancy, by this means to bribe the Heavenly Judge. For they who act and think in this manner, while they seem to give their own to God, do undoubtedly by their crimes give themselves to the Devil. Lastly, then, let not alms be given (according to the newly-invented conceit of men's own will, grown into a custom dangerous to many) for the making of abatement or commutation of the expiatory fasts and other works of satisfaction enjoined to a man, by a priest of God, for his own crimes according to the canon law; but rather as an increase of his own amendment, that the Divine wrath, which he has provoked by his own demerits, may the sooner be appeased. And withal, the more unlawful the thing a man has done, the more he ought to abstain from things that are lawful, and the greater sins he has committed, the greater fruit of good works he ought to yield to God, and not to drop or lessen some good works by practising others in their stead. For it is good to be assiduous in psalmody, and often to bow the knee with a sincere intention, and daily to give alms; yet abstinence is not to be remitted. Fasting once imposed by the rule of the Church, without which no sins are forgiven, is not to be remitted on account of these things. Let these and such like be done as additions, for the more full expiation of sin; for it is necessary that the flesh, which drew us willingly unto sin by its incontinence, being afflicted by fasting should hasten our pardon; for such sins as exclude us from the kingdom of heaven, if they are not corrected, are to be expiated with all the pious actions that a man can do. For one knows not what the following day may bring forth, and for how long a time he may be in a condition to do any good deeds for his former

747.

747. evil ones. For He who has promised pardon to the sinner has not promised him another day.

27. Of the benefit of psalm singing.

27. Under the twenty-seventh head—when discoursing much of those who sing psalms or spiritual songs profitably, or of those who do it negligently—psalmody, they say, is a Divine work, a great cure in many cases for the souls of those who do it in spirit and mind. But they that sing with voice, without the inward meaning, may make a sound resembling something; therefore, though a man know not the Latin words that are sung, yet he may apply the intentions of his own heart to the things which are at present to be asked of God, and fix them there to the best of his power. For the psalms, which proceeded of old through the mouth of the prophet from the Holy Ghost, are to be sung with the inward intention of the heart and a suitable humiliation of the body; to the end that by the oracles of Divine praise and the sacraments of our salvation, and the humble confession of sins, or by devoutly imploring the pardon of them, they that touch the ears of Divine pity by praying for any valuable thing, may the more deserve to be heard by their desiring and affecting to draw near to God, and to appease Him by the means which I (*sic*) have before mentioned, especially their most holy and divine service, whether they offer variety of prayers and praises to God in that sacred chanting either for themselves or for others, quick or dead, or at the end of every psalmody bow their knees in prayer and say in the Latin, or if they have not learnt that, in the Saxon, 'Lord have mercy on him and forgive him his sins, and convert him to do Thy will'; or if it be for the dead, 'Lord, according to the greatness of Thy mercy grant rest to his soul, and for Thine infinite pity vouchsafe to him the joys of eternal light with Thy saints.' But let them who pray for themselves have a great faith in psalmody performed with reverence, as very profitable to them, when done in the manner aforesaid (on condition that they persevere in

the expiation of their crimes, and not in the allowance of their vices) that is, they may the sooner and the more easily deserve to arrive at the grace of Divine reconciliation by prayers and intercessions while they worthily sing and pray, or that they may improve in what is good, or that they may obtain what they piously ask, not with any intent that they may, for one moment, do evil or omit good with the greater liberty, or relax fasting enjoined for sin, or give the less alms because they believe others fast or sing psalms for them. For let every one certainly know that his very own flesh, which has been the cause of unlawful wicked desires, ought to be restrained from what is lawful, and that a man should punish it now in proportion to its guilt, if he desire not to be punished hereafter by the Eternal Judge. Let himself first crave the Divine clemency, with groanings of heart for the restoration of himself, and then bring as many servants of God as he can to make their common prayers to God for him. For if they promise or believe or act otherwise than has been before said, they do not lessen sins but add sins to sins, because by this means, above all the rest, they provoke the anger of the Judge on high, because they dare to set his justice to sale every day by inordinate flattery and excessive blandishment, whilst their behaviour is unrestrained. 747.

We must speak at large of this, because a worldly rich man of late, desiring that speedy reconciliation might be granted him for gross sin, affirmed by letters that that sin of his, as many assured him, was so fully expiated, that if he could live 300 years longer, his fasting was already paid by these methods of satisfaction, namely: psalmody, fasting, and alms of others, apart from his own fasting, or however little it might be. If then Divine justice can be appeased by others, why, you foolish boasters, is it said by the voice of Truth itself: 'It is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of

747. heaven,' when he can with bribes purchase the unnumbered fastings of others for his own crimes? Oh that you might perish alone, you that are deservedly called the gates of Hell, and who persuade [others] to sin, before more are ensnared by your misguiding flattery, and led into the plague of God's eternal indignation. Let no man deceive himself; God deceives none when he says by the apostle 'We shall all stand before the judgment seat of Christ,' &c.

28. Of the size of monasteries and apparel of monks and nuns.

28. Under the twenty-eighth injunction they charged that no one should admit a larger congregation than he can maintain and find in necessaries. If any have unwarily done this, let them exact the less work from them till they can give them food and raiment suitable to their habit of profession. And among other observances of the regular life, let them use the accustomed apparel of those who have been before them, whether they are clerks or monks. And let them not imitate seculars in the fashionable gartering of their legs, nor in having hoods round their heads after the fashion of the layman's cloak, contrary to the custom of the Church. Likewise, that nuns veiled by the priest, and having taken the habit of their holy profession, ought not to go in secular apparel, or in gaudy, gay clothes, such as lay girls use, but take care always to keep the garb of chastity, which they have received to signify their humility and contempt of the world, lest the hearts of others be defiled by the sight of them, and they, by this means, be found guilty of this defilement in the sight of God.

29. That no one bound by religious profession live with laymen.

29. Under the twenty-ninth [head] they enacted, with regulative decree, that after this synod it be not lawful for clerks, monks, or nuns to dwell any longer in the houses of seculars with laymen, but that they go back to the monasteries where they had first taken the habit of their sacred profession, from which they departed of their own accord, or were expelled by the violence of others, as has certainly been done in many places, and that free admission be not

denied them on their return on account of any manner of previous fault. But if any of either sex, not being under a curse, but after receiving leave and benediction have afterwards been peaceably admitted by others into their society and union, and yet since this have run up and down among the laity, roving and unsettled, this return aforesaid thus enjoined does not relate to the house whence they went out in regular form, but to that place where, by mutual agreement on both sides, they were duly received to union and fellowship. 747.

30. Under the thirtieth head a long discussion was publicly made between the priests of God and those of less degree, inquiring how they might, in the existing condition of things, be enabled to silence entirely jealousy, or words akin to jealousy, concerning them, their own conscience within bearing them witness that any such suspicion was false and vain—namely, that kings, with their officers and chief men and many besides of less degree, have persuaded themselves, and are wont to assert, that they not only are insincere in love and affection towards them, but indeed grudge them the good things present with a heart too malevolent, rather than rejoice with them loyally, and do not cease to inveigh against their way of living, with bitter abuse. Their view, indeed, was that any man of higher position and dignity, who thought or said such things for any reason, did so most undeservedly, for that this was contrary not only to the profession of their habit but to the teaching of evangelists and apostles, which they ought to proclaim to all in general, namely, that no preacher of peace and love to God and men, who were made in the likeness of God, should ever venture for a moment to entertain in himself fuel for hatred and envy. And so, that their accusers might more certainly avow that they were free from this abominable fault, both before God and man, they ordained that, for the future, ecclesiastics and monks

30. A discussion about the avoidance of jealousy between ecclesiastics and laymen of position.

Continual intercession for this object is enacted.

747. should at the canonical hours of prayer, not only for themselves, but also for kings and great men, and the good estate of all Christian people, supplicate the Divine mercy without ceasing, that they might be counted worthy to pass their life in peace and quietness under their good protection; and that henceforward they might be of one soul in faith, hope, and love towards God, and love one another in such wise that after the course of this pilgrimage they be counted worthy to attain together the heavenly country; and that the Divine mercy shall be more earnestly entreated for those who most often extend their pious patronage to the Churches of Christ whilst they are alive; and that the atoning celebration be more often performed by the ministry of very many priests of Christ for their souls' rest when they are dead, if, that is, they have remembered to make themselves worthy of this benefit when alive.

VIII.

SYNODS HELD AT CHELSEA AND ELSEWHERE, A.D. 787.

787. THE following document is a report sent by the legates George and Theophylact to Pope Hadrian I. It was originally printed by the Magdeburg Centuriators from a MS. which has not since been verified. There is no reason to doubt its authenticity, as the internal proofs of this are very strong. See H. and S. iii. 447-461. It occurs in the *Centuries*, viii. p. 575.

[Johnson's tr., compared with H. and S.]

The legates report the success of their mission.

We have written a capitular of all the particulars, and rehearsed them in order in their hearing, who, with all humble submission and evident willingness, embracing your admonition and our poor selves, promised in all particulars to obey. Then we delivered to them your letters to read, enjoining

them that they would see that the holy decrees be observed both by themselves and their subjects. Now these are the heads which we produced to be observed by them: 787.

1. That the holy, inviolate faith of the Nicene Council be faithfully and firmly held by all that are devoted to the holy service; and that the priests of every church who are to teach the people be diligently examined by the bishops every year in their synodical assemblies, concerning the faith: so that they may profess hold and teach the apostolic and catholic faith of the six Councils which is approved by the Holy Ghost, and not fear to die for it if there be occasion; and that they receive all such men as the general Councils have received, and reject and condemn all those, heartily, whom they have condemned. The clergy to hold and teach the faith of the six general Councils, and to be examined yearly.

2. That Baptism be administered according to the canonical statutes, and not at any other time except in great necessity; that all in general know the Creed and the Lord's Prayer; that all who receive children from the font know that they are sureties to the Lord, according to their undertaking, for the renouncing of Satan, his works, and pomps, and for the believing of the faith; that they teach them the Lord's Prayer aforesaid and the Creed, while they are coming to ripeness of age: for if they do not, what is promised to God on behalf of them that cannot speak shall be with rigour exacted of them. Therefore we enjoin that this be charged on the memories of all the people in general. The season and conditions of Baptism, and the responsibilities of sponsors in example and instruction.

3. That there be two Councils each year according to the canonical decrees, that the briers and thorns may be cut off from the hearts of all offenders as spurious branches are by good husbandmen. And let every bishop go round his diocese once every year, carefully appointing places of meeting at convenient distances; that all may meet to hear the word of God, lest any, through the neglect of the shepherd, ignorantly going astray, be victims to the bite of the roaring lion. Let him with watchful care preach to and con- Bishops to have two annual Councils, and to conduct visitations,

787. firm the flock committed to his charge; let him separate the incestuous, coerce soothsayers, fortune-tellers, enchanters, diviners, wizards, and sacrilegious ones, and suppress all vices. And let no man affect to feed the flock committed to him for filthy lucre's sake, but in hope of an eternal reward; and what he has freely received let him freely give to all, as the apostle protests (2 Tim. i. 1), and as the prophet says (Isa. xl. 9), that so he may excel in merit as he does in dignity. And that he may not be cramped by fear whilst he is teaching, let him hearken (Isa. xl. 9). Jeremiah also says (Jer. i. 17). Alas for this lamentable lukewarmness. As many thoughtful men say: why will ye be involved in the love of secular things, or be dismayed by crime and confounded in opening the word of truth? If the prelates of the Church are silent through fear, or worldly friendship, and do not reprove sinners, or run away like false shepherds who care not for the sheep, when they see the wolf coming, why are they not more afraid of the King of Kings, and Lord of Lords? who reprehends shepherds by the prophets saying (Ezek. xiii. 5). Lastly, as the watchful shepherd guards the sheep against the wild beasts, so the priest of God ought to be solicitous for the flock, lest the enemy spoil, the persecutor annoy; lest the ravening of the powerful disturb the life of the poor; since the prophet says (Ezek. iii. 18); for 'The good shepherd layeth down his life for the sheep.' Endeavour, my fathers and brethren, that ye bear these things in mind, lest it be said to you, as to the shepherds of Israel, 'Ye feed yourselves,' &c., but that ye may deserve to hear, 'Well done, good and faithful servant,' &c.

to preach, confirm, and exercise discipline.

Bishops and clergy to avoid worldliness and to be true shepherds.

4. That bishops take great care that canons live canonically, and monks and nuns behave themselves regularly, both as to diet and apparel, that there be a distinction between canon, monk, and secular. Let the monks use the habit that the Easterns do, and the canons too, and not garments dyed with Indian colours, or very costly. But let

Canons, monks, and nuns to live and dress regularly according to the conciliar decrees.

bishops, abbots, and abbesses give good example to their subjects as Peter says (I. v. 2). Therefore we advise that the synodical decrees of the six general Councils, with the decrees of the Roman Pontiffs, be often read with attention, and that the state of the Church be reformed according to the pattern described therein, that no novelty be introduced, lest there be a schism in the Church of God. 787.

5. That if an abbot or abbess depart this life, which often happens, religious pastors of approved life be chosen from among themselves in the Lord to take care of the souls committed to them, with the bishop's advice within whose diocese the monastery is situate. But if such a person is not to be found in that convent let such an one be sent them from another, to govern them in the Lord, that they may with humility and obedience be employed day and night in performing the vow they have made to God, 'having their loins always girt about,' &c. The election of monastic superiors.

6. That no bishop presume to ordain a man priest or deacon unless he be of approved life, and sufficient for the full discharge of his office; and let them continue in that title to which they were consecrated; so that none presume to receive a priest or deacon from the title that belongs to another, without a reasonable cause, and letters commendatory. Conditions of ordination and title.

7. That all churches have their course publicly at the canonical hours with reverence. The hours of church service.

8. That ancient privileges conferred on churches by the Holy Roman See be preserved by all. But if any have been granted contrary to the canonical decrees, in compliance with wicked men, let them be cancelled. Preservation of ancient privileges.

9. That no ecclesiastic presume to eat in secret unless on account of great infirmity; for this is hypocrisy and the way of the Saracens [*Sarabattæ* or vagrant monks?]; therefore they advise that we be not 'whited sepulchres,' &c., especially since our Saviour says: 'Take heed that ye do not No ecclesiastic to eat in secret.

787. your justice before men.' From hence we may see how little it means to fast before men but to swallow down beef or horseflesh in secret, since our good works are commanded to be done in secret, that we may be rewarded by Him in whose name they are done.

The celebrant's attire for mass: the material of the bread and vessels.

10. Let no minister of the altar presume to go and celebrate mass with bare legs, lest his nakedness be seen and God be offended. For if this was forbidden in the Law, we know it ought to be more carefully observed in the Sacrament of Christ. Let bread be offered by the faithful, not crusts. We have also forbidden the chalice or paten for sacrificing to be made of ox-horn because they (*sic*) are of blood. We have also there seen bishops in their Councils judging secular matters, and we forbad them with the apostolic saying (2 Tim. ii. 4); we have also entreated that prayers be assiduously made for the Church of God, that God and our Lord Jesus Christ may exalt, corroborate and protect, defend and preserve her without spot, to the praise and glory of His name for ever and ever. Amen.

Bishops not to judge secular matters.

Intercession for the Church.

The duty of kings as rulers and judges in obedience to the bishops,

11. Our address to kings is that they administer their government with caution and discretion, and that they judge righteously, as it is written, 'Take hold of discipline' (Ps. ii. 12). Further, as we have above directed bishops to speak the word of God with a Divine authority, faithfully and truly, without fear or flattery, to kings, princes, and all dignities, never declining the truth, sparing no man, condemning no man unjustly, excommunicating none without cause, and to show the way of salvation to all, both by word and example—so we have also admonished kings and princes that they from their heart with great humility obey their bishops, because the kingdom of heaven is committed to them, and they have the power of binding and loosing, as it is written (Deut. xxxii.). And the apostle elsewhere (Heb. xiii. 17). Our Saviour Himself says to doctors (Luke x. 16). The lips of the priest preserve knowledge,

for he is the angel of the Lord of Hosts. If then priests are called angels, they cannot be judged by secular men, as the apostle says, 'For me it is a very small thing that I should be judged by you.' Also it is said by the Psalmist (Ps. cv. 14). And the apostle says (1 Cor. vi. 3). For as kings are above all dignities, so are bishops in things pertaining to God. Therefore we exhort with all earnestness, that all do indeed honour the Church of God, which is the spouse of Christ; and not put on her an unrighteous yoke of servitude, nor wax proud with secular power, nor oppress others with violence, as it is written (Ps. xciv. 4). Let every one of them consider how he expects that his spouse should be honoured by his subjects, and let him see in this earthly example how much the spouse of the King of Heaven ought to be reverenced, lest it be said of them (which God forbid) that 'they have reigned but not by Me' (Hos. viii. 4); but that they may rather deserve to have it said (Ps. lxxxix. 19–21), that God may grant them the eternal glory of the kingdom which is to come. And let kings have wise counsellors, fearing the Lord, of commendable manners, that the people being instructed and reformed by the good example of kings and princes, may improve to the glory and praise of Almighty God.

787. and in deference to the dignity of the priesthood.

Of the king's counsellors.

12. That in ordaining kings none permit the voices of wicked men to prevail; but let kings be lawfully chosen by the priests and elders of the people, not such as are born in adultery or incest, for as in our times, according to the canons, none can arrive at the priesthood who is of adulterous descent, so neither can he who is not born in lawful marriage be the Lord's anointed, king of the whole kingdom, and heir of the country, since the prophet says (Dan. iv. 17). We have admonished all in general that with unanimous voice and heart they pray to the Lord, that He who elects him to the kingdom would give him the spirit of discipline for the governing of his

The consecration and due choice of kings,

for whom prayer is to be made.

787. Behaviour to them and

people; and let honour be paid him by all, since the apostle says (1 Pet. ii. 17). Let none be guilty of detraction towards the king, since Solomon says (Eccl. x. 20). And let none compass the death of the king because he is the Lord's anointed. If a bishop or any of priestly degree consent to such a crime let him be thrust out, as was Judas from the apostolic degree. And whoever approves of such sacrilege shall perish in the eternal chain of an anathema, and being a comrade of Judas shall burn in everlasting fire, as it is written (Rom. i. 32). The two eunuchs who desired to kill King Ahasuerus were hanged on a gallows (Esth. Apoc. xii. 3). Observe what David did (1 Sam. xxiii. 5, 7; 2 Sam. 1). It has been proved by many examples among you that those who have been the authors of killing their lords have shortly ended their own lives and been without benefit of either law.

the fate of regicide clerks.

The responsibility of the rich and great in judging.

13. That the great and rich judge righteously, and accept not the person of the rich, nor despise the poor, nor decline from right, nor take bribes against the innocent, but act according to truth and justice, since the prophet says (Ps. lviii. 1). Also elsewhere (Lev. xix. 15), as also (Isa. l. 17), and at another place (Lev. viii. 6). The Lord says in the Gospel (Matt. vii. 2), nor shall you by violence take from another that which belongs to him, as it is said (Ex. xx. 17), for the prophet threatens saying (Isa. v. 8). Again a prophet cries saying (Ps. lxxxiv. 2). Remember what he deserves who causes a little one to stumble; but he who receives one of these receives Christ. May you deserve to have it said to you at the Judgment 'Come ye blessed of My Father,' etc.

Of security and the just limits of taxation.

14. Let fraud, violence, and rapine be abhorred, and let not unjust tributes be imposed on the Church of God, nor greater than those allowed by the Roman law, and the custom of former emperors, kings, and princes, and let them endeavour to keep themselves wholly free from this vice or

violence who desire to keep themselves in communion with the Holy Roman Church and blessed Peter the Prince of the Apostles. Let there be concord and unanimity everywhere, between kings and bishops, ecclesiastics and laymen, and all Christian people; that the churches of God may be at unity in all places, and that there be peace in the one Church, continuing in one faith, hope, and charity, having one Head, which is Christ, whose members ought to help one another, and to love with a mutual charity, as He Himself has said (John xiii. 35). 787. Of harmony between Church and State, and the peace of the Church.

15. All unrighteous marriages are forbidden, as also such as are incestuous, as well with the handmaids of the Lord, or other unlawful persons, as with those that are too near akin, as also with alien [*alienigenæ*] women. And let him who does such things be struck with the sword of the anathema, unless, correcting himself, he repent of his wicked presumption, and correct and reclaim himself according to right law in obedience to his bishop. Of marriage restrictions and penalties.

16. Sons of harlots are deprived of lawful inheritance, and we judge those born in adultery or of nuns to be illegitimate. For we do not hesitate to call a virgin who has devoted herself to God, and has put on as it were the garment of the Holy Mary, the spouse of Christ. Now it is manifest in heavenly respects as well as earthly that he who takes a spouse from one more powerful than himself shall not escape unpunished. Therefore the apostle says (1 Cor. iii. 17), and the same apostle says (Eph. v. 5). Consider whether secular inheritance be not cut off from such by the Scripture when it says (Gal. iv. 30). But an adulterer may say, 'My harlot is not a bondwoman but a free'; to these we answer, with apostolic authority (Rom. vi. 16). Therefore we have commanded, in the words of the apostle (1 Cor. vii. 2), that so they may have lawful heirs in the Lord who may be also heirs of God and coheirs of Christ. Further, as it is prescribed in the canon and Of what constitutes illegitimacy and bars succession.

787. in the Gospel, and in the decrees of the apostles concerning lawful marriages, and the proper time of intercourse and abstinence, we presume to add nothing to these decrees (1 Cor. xi. 16).

Tithes to be paid in accordance with Scriptural warrant;

17. As to paying tithes it is written in the Law, 'The tenth part of all thy increase,' &c.; 'If thou bring thy first-fruits,' &c. Again by the prophet, 'Bring ye all the tithe into the store-house,' &c. (Mal. iii. 10); as the wise man says, 'No man can justly give alms of what he possesses unless he has first separated unto the Lord what He from the beginning directed to be paid to Him.' And on this account it often happens that he who does not pay tithes is himself reduced to a tenth part. Therefore we do solemnly enjoin that all take care to pay the tenth of all that they possess, because that peculiarly belongs to God; and let them live and give alms out of the nine parts; and we advise that alms be given in secret, because it is written (Matt. vi. 2). We have also forbidden usury, since the Lord says to David that he shall be worthy to dwell in his tabernacle who has not lent his money upon usury. And Augustine says, 'Who can have unjust gain without justly deserved loss?' (Aug. Serm. 8). Where there is gain there is loss; gain in the coffer, loss in the conscience. We have also ordained that equal measure and equal weight be enjoined to all, since Solomon says (Prov. xx. 10), that is, buying by one measure and selling by another; for God everywhere loves justice, 'His countenance beholds the thing that is right.'

similarly usury not to be permitted;

weights and measures to be just.

Vows to be paid in accordance with Scripture examples and warnings.

18. That the vows of Christians be fulfilled, for by this means the ancient patriarchs and prophets pleased God. Abel the righteous, with a faithful mind offered a vow of his fatlings, and this was more acceptable to God than that of the parricide, therefore God with divine fire consumed those acceptable burnt offerings, but despised what was offered without a good mind, who being therefore

condemned with a curse, deserved wrath, but the younger was crowned with a happy martyrdom. Remember Enoch, who paid the vow that he had made and was translated living in the body. So did the righteous Noah, and he alone with seven of his family was delivered from the flood of the world. What need I say of Abraham who paid all his vows and his tithes to Melchisedec the priest? For he triumphed over his enemies, therefore he deserved not only to adore, but also to entertain with his hospitality, the Lord in Trinity, and to have a son of promise by a woman that was ninety years old. And he refused not to sacrifice the son of promise, though the Lord had said, 'In Isaac shall thy seed be called,' &c., yet he certainly trusted that his son was to live. Therefore 'faith wrought with his works,' &c. (Jas. ii. 22, 23). Jacob vowed a vow and he paid it. Remember Manoah [Jephthah?] what he did with his daughter, and his memory shall be everlasting. David, when he paid his vow, charged us saying (Ps. lxxvi. 11). Solomon also says (Eccl. v. 4, 5). We therefore beseech you that every one call to mind what he has vowed in prosperity or adversity, lest being again involved in difficulties you deserve to have it said: 'What he promised long ago he has lied in.' 'After thy hardness and impenitent heart thou treasurest up unto thyself wrath,' &c. (Rom. ii. 5). 'Therefore I will laugh,' &c. (Prov. i. 26). We can give or promise to God nothing but what He first gave us; therefore the prophet, being touched with this, says (Ps. cxvi. 12). If any one has vowed and delayed to pay it, we are afraid that he will not escape without vengeance, as it is said, 'It is a fearful thing to fall into the hands of the living God.' 787.

19. That every faithful Christian take example by catholic men, and if any pagan rite remain let it be plucked up, despised and rejected, for God created man fair in comeliness and appearance, but pagans, by the inspiration of the Reprobation of pagan customs, viz. mutilation,

787. pagan dress, horse-maiming, trial by sorcery, eating horseflesh.

Devil, have brought on themselves the foulest scars, as Prudentius says, 'He has marked even the innocent ground with unsightly spots.' He seems to do an injury to the Lord who defiles and depraves his workmanship. If any one should undergo this blood-letting for the sake of God, he would on that account receive great reward, but whoever does it out of heathenish superstition does no more advance his salvation thereby than the Jews do by bodily circumcision without sincere faith. Ye wear garments like those of the Gentiles whom your fathers by the help of God drove out of the world by arms. A wonderful and horrible thing to imitate the example of those whose manners you hate. You also by a horrid custom maim your horses; you slit their nostrils, fasten their ears together, make them deaf, cut off their tails, and render yourselves hateful in not keeping them sound when you may. We have heard also that when you have any controversy between yourselves you use sorcery after the manner of the Gentiles, which is accounted sacrilege in these times. Many of you eat horseflesh, which is done by none of the Eastern Christians: take heed of this too. Endeavour that all your doings be honest and be done in the Lord.

All to be exhorted to timely repentance and confession, and due penance.

20. We have directed all in general to act according to the prophet's word which says, 'Make no tarrying to turn unto the Lord, and put not off from day to day' (Ecclus. v. 7), and again (Joel ii. 12). And according to the Apostle (Jas. v. 16), lest death should find any of you unprepared, which God forbid. And receive the Eucharist according to the judgment of the priests, and the measure of guilt, and bring forth fruits meet for repentance. For a fruitful repentance consists in bewailing misdeeds and not committing them again. But if any man die without repentance and confession, which God forbid, prayers must not be made for him, for none of us is without sin, 'not even an infant born but a day since' (Job xiii. 4, 5, LXX). As the apostle says, 'If

we say we have no sin,' &c., therefore since death lingers not, repent and be converted that your sins may be blotted out, and that you may deserve, together with the holy angels, to enjoy that life which is without end, through Him who liveth and reigneth for ever and ever. 787.

We proposed these decrees, most blessed Pope Hadrian, in a public Council before Alfwald the king, and Eanbald the archbishop, and all the bishops and abbots of the country, and the senators and chief men and people of the land. And they, as we before said, vowed with all devotion of mind that they would keep them to the utmost of their power by the help of the heavenly mercy. And they confirmed their vows by the sign of the Cross in my hand in your stead; as afterwards they also did carefully, with a style, put the sign of the holy Cross to this written paper. Epilogue: constitution and behaviour of the Northern Synod.

I, Alfwald, king of the Northumbrian nation, consenting have subscribed with the sign of the Cross.

I, Tilhere, prelate of the Church at Hexham, have joyfully subscribed with the sign of the Cross. The Northern signatories.

I, Eanbald, by the grace of God Archbishop of the Holy Church of York, have with the sign of the Cross subscribed to the pious and catholic injunction of this paper.

[There follow the names, in very like terms, of Bishops Higwald of Lindisfarne, Ethelberch of Candida Casa, Aldulph of Mayo, Bishop Ethelwin, and of Gosigha the Patrician.]

To these most useful admonitions we also, priests and deacons of the churches, and abbots of monasteries, judges, great men and nobles have consented and subscribed with one act and mouth [Two chief men and two abbots sign with no further specification]. These things being concluded, and the blessing being given, we went on, taking

787. The Southern Synod under Offa, &c., and their acceptance of the canons.

with us the legates of the king and archbishop, that is Malwin and Pyttel, readers, men of note, who carried the decrees with them to the Council of the Mercians, where the glorious King Offa, with the counsellors of the land, together with Jaenbert, archbishop of the Holy Church of Canterbury, and the rest of the bishops of the country were assembled. The capitula were both read, one by one, with a clear voice in the presence of the Council in Latin, and explained in the Teutonic tongue that all might understand them. They all with unanimous heart and voice thanking their apostleship promised to obey their admonitions, and by the Divine assistance to the best of their power cheerfully to keep the statutes. And further, according to the above-written injunction, as well the king as the great men, the archbishop with his attendants, confirmed with the sign of the holy Cross in our hands in your Lordship's stead, and afterwards they confirmed this present paper with the holy sign.

The Southern signatories.

I, Jaenbert, archbishop of the holy Church of Canterbury, have devoutly subscribed with the sign of the holy Cross.

I, Offa, king of the Mercians, consenting to these statutes, have readily subscribed with the sign of the Cross.

I, Higbert, bishop of the Church of Lichfield, have subscribed with the sign of the holy Cross.

[Other signatures follow, viz. Edwulf, bishop of Lindsey, and Unwona, bishop of Leicester, with nine other bishops whose sees are not mentioned, but are identified by H. and S. iii. 462; four abbots, two chief men and one earl; some of them identified, H. and S. *l. c.*]

IX.

ABOLITION OF THE METROPOLITAN DIGNITY OF LICHFIELD, A. D. 803.

803. THIS document records the final settlement of the controversy about the metropolitan dignity of Lichfield, which had lasted for sixteen years. It occurs in a longer form as printed by H. and S. (iii. 542). That given below depends upon an abridgement given in Spelman, i. 324, which is based on Cotton MS., Aug. ii. 56.

[Johnson's tr. revised.]

Lichfield having been made a metropolitan see by Offa,

Glory to God on high, peace on earth to men of good will. We know as is notorious, though it seems not at all pleasing to many who dwell in the nation of the English that faithfully trust in God, how that Offa, king of the Mercians, in the days of Jaenbert, archbishop, presumed by very indirect practices to divide and cut in sunder the honour and unity of the see of our father St. Augustine in the city of Canterbury, and how, after the death of the said pontiff, Archbishop Ethelherd, his successor by the gift of Divine grace, after several years, happened to visit the Apostolic threshold and Leo the blessed Pope of the Apostolic See, in behalf of many rights belonging to the Churches of God. He, among other necessary negotiations, did also declare that the partition of the archiepiscopal see had been unjustly made; and the Apostolic Pope, as soon as he heard and understood that it was unjustly done, presently ordered an authoritative precept of privilege as from himself, and sent it into Britain, and charged that an entire restitution of honour should be made to the see of St. Augustine with all the dioceses belonging to it, according as St. Gregory the apostle and master of our nation settled it, and that it should in all respects be restored to the honourable Archbishop Ethelherd when he returned

Leo declared his action unjust and ordered restitution.

803. into his country. And Kenulf, the pious king of the Mercians, brought it to pass.

1. Accordingly in a synod at Cloveshoo the rights of Canterbury are restored.

1. And in the year of our Lord's Incarnation 803, Indiction 11, October 12, I, Ethelherd, archbishop, with all the twelve bishops subject to the holy see of the blessed Augustine, in a synod which was held by the apostolic precepts of the Lord Pope Leo in a famous place called Cloveshoo, with the unanimous consent of the whole sacred synod, in the name of Almighty God, and of all His saints, and by His tremendous judgment, we charge that neither kings, nor bishops, nor princes, nor any men who abuse their power, do ever presume to diminish or divide as to the least particle the honour of St. Augustine, and of his holy see; but that it always remain most fully in all respects in the same honourable state of dignity as it now is, by the constitution of the blessed Gregory, and by the privileges of his Apostolic successors, and as appears to be right by the sanctions of the holy canons.

2. This restoration is now confirmed, and Hadrian's charter is annulled.

2. And now by the help of God and of the Apostolic Pope Leo, I, Ethelherd, archbishop, and other our fellow-bishops, and all the dignitaries of our synod with us, do unanimously confirm the primacy of the holy see with the standard of the cross of Christ. And we give this in charge and sign it with the sign of the Cross, that the archiepiscopal see from this time forward never be in the monastery of Lichfield, nor in any other place but the city of Canterbury, where Christ Church is, and where the catholic faith first shone forth in this island, and where holy baptism was first celebrated by St. Augustine. Further also we do by consent and licence of our Apostolic Lord Pope Leo forbid the charter sent by Pope Hadrian from the See of Rome, and the pall and the archiepiscopal see in the monastery of Lichfield to be of any validity because gotten surreptitiously and by insincere suggestions. Therefore we ordain by canonical and apostolic proofs with the manifest signs of

the Heavenly King, that the primacy of the monarchy do remain where the holy Gospel of Christ was first preached by the holy Father Augustine in the province of the English, and was from thence, by the grace of the Holy Spirit, widely diffused. But if any dare to rend Christ's garment and to divide the unity of the holy Church of God, contrary to the apostolic precept and all ours, let him know that he is eternally condemned unless he make due satisfaction for what he has wickedly done contrary to the canons. 803.

[A varying list of signatories follows.]

X.

THE DONATION OF ETHELWULF, A. D. 855.

The year 855 appears to be the true date of this grant. The date, circumstances, and historical bearing of the Charter are fully discussed by Lord Selborne, *Ancient Facts and Fictions*, &c. p. 200. The document survives in several different forms, of which there are various manuscript and printed copies. They are all collated by Birch in his *Cartularium Saxonicum*, vol. ii. nos. 483-485; see also Haddan and Stubbs, iii. 640. The translation here given is made from a MS. in the British Museum, which accords very nearly with the record in William of Malmesbury, *Gest. Reg.*, Rolls Series, i. 170. 855.

[Tr. Brit. Mus. MS. Reg. 13. D. ii. f. 28.]

In the perpetual reign of our Lord, whilst in our times [by reason of] the flames of wars, and spoiling of our goods, and also the most cruel pillaging of devastating foes, and manifold troubles from pagan and barbarous peoples, we see that perilous times are at hand to afflict us even to destruction, I, therefore, Ethelwulf, king of the West Saxons, by the counsel of my bishops and chief men have confirmed this wholesome counsel, and uniform remedy: that to all ranks hitherto possessing any hereditary portion of lands, whether servants and handmaids of God serving

In prospect of coming dangers, King Ethelwulf

855. grants the tenth part of his land to the religious in possession in freehold,

God, or lay people, I have decided that the tenth homestead, or, where it is very small, at all events the tenth, be always given up in perpetual franchise; that it be free and protected from all secular services, and also royal tributes, greater or less, or taxations which we call *Witereden*, and that it be free from all things, for the forgiveness of our souls and sins, for the service of God alone, without military equipment, or bridge-building, or fortification of castles, so that they may the more diligently pour forth prayers without ceasing to the Lord for us, because we thus in some degree relieve their service.

desiring their prayers in return.

The bishops of Wessex ordain prayers to be offered.

Thereafter it pleased the Bishops Alstan of the church of Sherborne, and Swithun of the church of Winchester, to enter upon an agreement with their abbots and the servants of God, that all our brethren and sisters do in full congregation, at each church, every week on the day of Mercury, that is Wednesday, sing fifty psalms, and each priest two masses, one for King Ethelwulf, and another for his dukes who consent to this gift for the ransom and remedy of their faults; for the king in his lifetime, 'O God who dost justify'; for the dukes in their lifetime, 'Stretch forth, O Lord'; and after their death, separately for the king when dead, in common for the chief men when dead. And be this as steadfastly established all the days of Christianity as the above franchise is established, so long as the faith extends amongst the people of the English.

Place, date, and confirmation of the Charter.

Now this charter of gift was written in the year of the Lord's Incarnation 814 (*see introduction*), in the fourth indiction, on the 5th day of November, in the city of Winchester, in the Church of St. Peter, before the chief altar; and this they did for the honour of St. Michael the Archangel, and St. Mary the glorious Queen, the Mother of God, and at the same time of the Blessed Peter, Prince of the Apostles, and also of our holy Father Pope Gregory, and all the saints, and then for fuller assurance King

Ethelwulf placed the charter upon the altar of St. Peter, and the bishops for God's faith received it from him, and afterwards sent it through all churches in their dioceses, as is aforesaid. 855.

XI.

TITHE ORDINANCE OF ATHELSTAN, A.D. 927.

THIS was a royal injunction by King Athelstan concerning the payment of tithes. It is discussed by Lord Selborne, *Ancient Facts and Fictions*, &c. pp. 183, &c., where the text is given as below. *Cf.* Thorpe's *Ancient Laws*, i. 195-199. 927.

[Lord Selborne's translation.]

I, Athelstan, king, with the counsel of Wulfhelm, archbishop, and of my other bishops, make known to the reeves at each burgh, and beseech you, in God's name, and by all His saints, and also by my friendship, that ye first of my own goods render the tithes, both of the live stock and of the year's earthly fruits, so as they may most rightly be either meted, or told, or weighed out; and let the bishops then do the like from their own goods; and my ealdormen and my reeves the same. And I will, that the bishops and reeves command it to all who ought to obey them, that it be done at the right term. Let us bear in mind how Jacob the patriarch spoke: 'I will offer to thee tithes and sacrifices of peace'; and how Moses spoke in God's law: 'Thou shalt not delay to offer thy tithes and first-fruits to the Lord.' It is for us to think how awfully it is declared in the books: if we will not render the tithes to God, that He will take from us the nine parts when we least expect; and moreover we have the sin in addition thereto. And I will also that my reeves so do that there be given the church-scots and the souls-

The king, bishops and others should pay tithes,

according to Scripture precept.

Other church dues are to be paid regularly.

927. scots, at the places to which they rightly belong; and plough-alms yearly, on this condition: that they shall enjoy it at the holy places who are willing to serve their churches, and of God and of me are willing to deserve it; but let him who will not, forfeit the bounty, or again turn to right. Now ye hear, saith the king, what I give to God, and what ye ought to fulfil under the penalty of contempt of my authority. And do ye also so, that you may give to me my own, what ye for me may justly acquire. I will not that ye unjustly anywhere acquire aught for me; but I will grant to you your own justly, on this condition that ye yield me mine; and shield both yourselves and those whom ye ought to exhort against God's anger, and against the penalty of contempt for my authority.

The king demands and promises just dealing.

XII.

SELECTIONS FROM THE CONSTITUTIONS OF ODO, A. D. 943.

943. THE following is a selection from the Canons of Odo, archbishop of Canterbury, which were published about the year 943, and illustrate some tendencies of the time. Odo's Pastoral charge is translated by Dean Hook in his *Lives of the Archbishops*, i. 369.

[Tr. Cotton MS., Vesp. A. 14, f. 173; *cf.* Wilkins, i. 212.]

That the Church be not oppressed or taxed,

1. We charge and command that the holy Church of God which was at the first founded by the blood of Christ, and by the multitude of the faithful has been arrayed as a bride in white, be not attacked by any violence of wicked men; and that it be not lawful for any to impose a tax upon the Church of God, because the sons of the Church, that is the sons of God, are free from all earthly tribute in every country. Ambrose says, *in the history of the Church*[1],

cf. Ambrose?

[1] See Baron's Johnson's *Canons*, i. 357.

'The Catholic Church is free from all royal taxation.' If any houses, lands, or any farms have been forcibly taken from Christian people, and have been given either into the royal exchequer or as gifts, all these [gifts] we charge to be revoked according to the ancient right of Christians. For Gregory says, 'If any one shall strip the Church of Christ, let him be anathema, if he make not full satisfaction'; and again, 'Whosoever shall attempt to plunder or invade the parishes of the Church of God by rapine, he must be excommunicated by the Church's ministers and become an utter alien from the body of Christ.' For those are more daring than the soldiers who crucified Christ, that despise to obey the rules of the discipline of His Church, for the Church has the power of binding and loosing. 943. and Gregory.

2. We admonish the king and princes and all who are in power that they obey their archbishops and all other bishops with great devotion, because to them are given the keys of the kingdom of heaven, and they have the power of binding and loosing. And that they do not rate themselves highly for secular power, for God resisteth the proud, &c. And let the king have prudent counsellors, fearing God, over the affairs of the kingdom, so that the people, instructed by the good example of king and princes, may advance to the praise and glory of God, and that the king may be the shield and defender of the Churches of God, to oppress none unjustly by power, to judge between a man and his neighbour without respect of persons, to be the protector of strangers, orphans, and widows, to prevent theft, to punish adulteries, not to exalt the wicked, to aid the poor with alms; for although it is necessary for every man to keep the commandments of Christ, yet is it so especially for kings and for all placed in high estate, who shall give an account at the day of strict examination, both for themselves and for all who are subject to them. Kings and nobles are to obey the bishops, to be humble, to have good counsellors, and to do good.

XIII.

SETTLEMENT OF THE PRIMACY DISPUTE, A. D. 1072.

1072. THE extract given is William of Malmesbury's account of the conclusion of the dispute between the Archbishops of Canterbury and York, in his *Gest. Pont.* i. 41.

[Translated from Rolls Series edition, pp. 63–65.]

Lanfranc ends the dispute.

Whilst [Thomas, archbishop of York] was proceeding with these and similar arguments, as the necessity of proving his case and his own ignorance of antiquity supplied weapons to his eloquence, Lanfranc put an end to the discussion, meeting him with this most wary answer: 'The view on which you rely needs substantiation in asserting that to Augustine alone was granted the submission of all the bishops of Britain, and even of those who had been consecrated by the Bishop of York. That would have been a very poor and trifling gift bestowed by the pope on his old friend, this new Englishman; especially when the Archbishop of York consecrated none who should be subject to Augustine in his lifetime, as there was no bishop there at all. For indeed the blessed Paulinus, the first prelate of that same city, was sent there, not in the days of Augustine, but of Justus the fourth, archbishop of Canterbury. English history will prove what I say. Knowing this, the supreme pontiffs have confirmed to the successors of Augustine the submission of all the bishops of England, as the privileges recited show, embellishing the Gregorian scheme, as they call it, with most ornate language, and following it up with generous liberality, the representatives of the same see and patrons of the same policy. Now they hold that all the Churches of the English should borrow the discipline of life from that place from

Thomas cannot prove his case.

Augustine's authority was confirmed by later popes,

and it included York by

whose fire they caught the flame of faith. For who knows not that the faith of Christ flowed from Kent to York and all the other Churches of England? As for your assertion that St. Gregory could have confirmed, had he wished, to Augustine's successors by word what he had granted to Augustine, it is quite true and beyond denial. But, pray, what prejudice does this give to the see of Canterbury? I will put a parallel case: for when our Lord and Saviour said to St. Peter "Thou art Peter," etc., He could have added, had He wished, "and this same power I grant to thy successors." As it is, the omission detracts nothing from the reverence due to Peter's successors. Will you oppose these words and cite anything contrary? For indeed it is impressed on the consciences of all Christians that they should fear his successors, even when they threaten, no less than Peter himself, and should gladly acknowledge any kind favour they [the successors] bestow. And so the arrangement of all Church matters is then, and only then, authoritative, if approved by the judgment of Peter's successors. What is the meaning of this but the power of Divine grace passed on through Jesus Christ from St. Peter to his vicars? So in parallel cases, if you understand logic, you will form the same conclusion. Moreover, what holds good in the whole, holds good in the part; what holds good in the greater holds good in the less. The Roman Church is, as it were, the sum of all Churches, and all other Churches are, as it were, its parts. For as in one respect man is the class of his individual members, and yet in each man resides the property of the whole man, so in one way the Roman See is the class and sum of all Churches, and yet in each Church there reigns the entirety of the whole Christian faith: she is greatest of all the Churches, and what holds good in her should hold good in the less, as the power of the first head of any Church continues to his successors unless there be any express

1072. right of evangelization.

Analogy shows that this authority went to his successors.

1072. Accordingly Augustine's authority passes to his successors.

and personal exception. Consequently, as Christ said to all the Roman prelates what he said to Peter, so what Gregory said to all the successors of Augustine, he said in Augustine. The result is, that as Canterbury is subject to Rome, because it received the faith thence, so York is subject to Canterbury which sent preachers thither. As for your allegation that Gregory wished that Augustine should dwell at London, it is quite unsupported. For how can it be proved that he disregarded his master's will, and deliberately opposed the decrees? But I object to withdraw credit from a tradition so well supported. For grant that he did move elsewhere, what is that to me who am not Bishop of London? For I do not mind at all (save that ancient usage allows it not) that you share the honour of primacy with the London prelate. If you desire to have this discussed peacefully and without controversy, I will not disregard the correct decision as far as my right and duty are concerned.'

The London primacy is not proved.

XIV.

CANONS OF THE COUNCIL OF LONDON UNDER LANFRANC, A.D. 1075.

1075. These Canons are printed in Wilkins, i. 363, on the authority of the old register of the church at Worcester, compared with Canterbury MS., A. vii. 6. After a short historical preface the document proceeds as follows.

[Tr. Wilkins, i. 363.]

1. Precedence of bishops.

1. Because Councils had fallen out of fashion in England for many years past, some things were renewed which are known to have been defined by ancient canons too. So it was ordained according to the fourth Council of Toledo, and those of Milevis and Braga, that bishops should sit according to the time of their ordination, save those who by old custom, or by the privileges of their Churches, have seats by

precedence. The old men were asked about this, what they had seen themselves or had received truly and probably from their elders, and for this answer delay was requested and granted till next day. So on the next day they stated unanimously that the Archbishop of York ought to sit at the right hand of Canterbury, the Bishop of London at the left, Winchester next York, but if York be away, London on the right, Winchester on the left. 1075.

2. That monks should hold their proper order by the rule of St. Benedict in the Dialogue of Gregory, and the ancient custom of places under rule, chiefly that children and youths should have guardianship in all places under fit masters assigned them, that all in general should carry lights by night unless they have no property allowed by the authorities. But if any one be discovered at death to hold any property without the licence aforesaid, and shall not restore it before death, confessing his sin with penitence and grief, let not the bells be tolled for him, nor the saving sacrifice be offered for his absolution, nor let him be buried in the cemetery. 2. Monks to observe rules.

3. By the decrees of Popes Damasus and Leo, and by the Councils of Sardica and Laodicea, whereby it is forbidden that bishops' sees should be in vills [*villis*] it was granted by royal favour and the Council's authority to the aforesaid three bishops to migrate from vills to cities—Hermann from Sherborne to Salisbury, Stigand from Selsey to Chichester, Peter from Lichfield to Chester. The case of some who were yet in vills or hamlets was postponed for the king's hearing, then at war in parts beyond the sea. 3. Transference of village sees to towns.

4. By many decrees of the Roman pontiffs and different authorities of the sacred canons, that no one should keep or ordain any clerk or monk without letters dimissory. 4. Letters dimissory

5. To restrain the arrogance of some unwise men it was enjoined by general decree that no one speak in the Council, save bishops and abbots, without leave from the metropolitan. 5. Voice in the Council.

1075. 6. Prohibited degrees.

6. By the decrees of Gregory the Great and the Less that none take a wife from his own kin or that of his deceased wife, or any he has as relation, within the seventh degree on either side.

7. Simony.

7. That no one buy or sell sacred orders or church office which appertains to cure of souls; for this crime was originally condemned by the apostle Peter in the case of Simon Magus, afterwards forbidden under excommunication by the holy fathers.

8. Charms, magic, &c.

8. That the bones of dead animals be not hung up anywhere as though to avoid diseases of animals, and that sorcery, soothsaying, divination, or any such works of the Devil be practised by no one; for all such things the sacred canons have forbidden, and those who practise them they have excommunicated by sentence given.

9. Judges in capital offences.

9. That by the Councils of Elvira and Toledo XI no bishop or abbot or any of the clergy should judge concerning a man to be put to death or to mutilation, nor favour with his authority those who so judge.

[Here follow the signatures of the two archbishops, twelve bishops, and twenty-one abbots, these last being preceded by the Archdeacon of Canterbury.]

XV.

LETTER OF WILLIAM THE CONQUEROR TO POPE GREGORY VII, A.D. 1076?

1076. The date of this letter is uncertain. Dr. Freeman says that it cannot be earlier than 1076, as it was only in 1073 that William's frequent absences from England began (*N. C.* iv. 433).

[Tr. J. A. Giles' *Patres Eccl. Angl.* Lanfranc, i. 32, letter x.]

Your demand for fealty, I refuse as not

To Gregory, the most noble Shepherd of the Holy Church, William, by the grace of God renowned king of the English, and duke of the Normans, greeting with amity. Hubert, your

legate, Holy Father, coming to me in your behalf, bade me to do fealty to you and your successors, and to think better in the matter of the money which my predecessors were wont to send to the Roman Church: the one point I agreed to, the other I did not agree to. I refused to do fealty, nor will I, because neither have I promised it, nor do I find that my predecessors did it to your predecessors. The money for nearly three years, whilst I was in Gaul, has been carelessly collected; but now that I am come back to my kingdom, by God's mercy, what has been collected is sent by the aforesaid legate, and what remains shall be dispatched, when opportunity serves, by the legate of Lanfranc our faithful archbishop. Pray for us, and for the good estate of our realm, for we have loved your predecessors and desire to love you sincerely, and to hear you obediently before all [*præ omnibus*]. 1076. done by my predecessors, but the money formerly collected shall still be sent.

XVI.

THE CONQUEROR'S MANDATE FOR DIVIDING THE CIVIL AND CHURCH COURTS.

The date is quite uncertain. The document is printed by Wilkins from a MS. belonging to the Dean and Chapter of St. Paul's, compared with one in the Lincoln Register (Remigius 9). The text in Thorpe, *Ancient Laws and Institutes*, i. 495, and Stubbs, *S. C.* 85, agrees with Wilkins.

[Tr. Stubbs, *S. C.* 85.]

William, by the grace of God king of the English, to R. Bainard, and G. de Magneville, and Peter de Valoines, and all my liege men of Essex, Hertfordshire and Middlesex greeting. Know ye and all my liege men resident in England, that I have by my common council, and by the advice of the archbishops, bishops, abbots and chief men of my realm, determined that the episcopal laws be Necessity for mending the bishop's laws.

mended as not having been kept properly nor according to the decrees of the sacred canons throughout the realm of England, even to my own times. Accordingly I command and charge you by royal authority that no bishop nor archdeacon do hereafter hold pleas of episcopal laws in the Hundred, nor bring a cause to the judgment of secular men which concerns the rule of souls. But whoever shall be impleaded by the episcopal laws for any cause or crime, let him come to the place which the bishop shall choose and name for this purpose, and there answer for his cause or crime, and not according to the Hundred but according to the canons and episcopal laws, and let him do right to God and his bishop. But if any one, being lifted up with pride, refuse to come to the bishop's court, let him be summoned three several times, and if by this means, even, he come not to obedience, let the authority and justice of the king or sheriff be exerted; and he who refuses to come to the bishop's judgment shall make good the bishop's law [*emendabit legem episcopalem*] for every summons. This too I absolutely forbid that any sheriff, reeve, or king's minister, or any other layman, do in any wise concern himself with the laws which belong to the bishop, or bring another man to judgment save in the bishop's court. And let judgment be nowhere undergone but in the bishop's see or in that place which the bishop appoints for this purpose.

Secular and ecclesiastical causes to be separated.

Ecclesiastical causes to be decided at the bishop's discretion according to Church law.

Contempt to be penal.

Further emphasis as to the separation of causes and place of penalty.

XVII.

WILLIAM AND THE ROYAL SUPREMACY.

These three Canons are taken from Eadmer, *Hist. Nov.* i. 6. There is nothing to guide us as to the exact date.

[Tr. Eadmer, Rolls Series, p. 10. *Cf.* Stubbs, *S. C.* 82.]

Eadmer says: 'Some of those novel points I will set down which he (William) appointed to be observed. . . .

'1. He would not then allow any one settled in all his dominion to acknowledge as apostolic the pontiff of the City of Rome, save at his own bidding, or by any means to receive any letter from him if it had not first been shown to himself. 1. As to acknowledging the Pope,

'2. The primate also of his realm, I mean the Archbishop of Canterbury or Dorobernia, presiding over a general Council assembled of bishops, he did not permit to ordain or forbid anything save what had first been ordained by himself as agreeable to his own will. 2. provincial decrees,

'3. He would not suffer that any, even of his bishops, should be allowed to implead publicly, or excommunicate, or constrain by any penalty of ecclesiastical rigour, any of his barons or ministers accused of incest, or adultery, or any capital crime, save by his command.' 3. excommunication of barons, &c.

XVIII.

HENRY'S LETTER TO ANSELM, A. D. 1100.

HENRY had been crowned during Anselm's absence. The letter which follows was written by the king to explain the reason for this. The document is often quoted in illustration of the archbishop's constitutional position at the time. 1100.

[Tr. Anselm's *Letters*, ed. Migne, tom. 159, iii. xli. *Cf.* Stubbs, *S. C.* 102.]

Henry, by the grace of God king of the English, to his most good spiritual father Anselm, bishop of Canterbury, greeting and demonstration of all friendliness. Know, my dearest father, that my brother King William is dead, and I, by God's will, having been elected by the clergy and people of England, and already consecrated king—although owing to your absence against my will—I, with all the people of England, require you, as our father, that with all speed you come to take care of me, your son, and the same Anselm is requested to come at once to take counsel;

1100. people, the care of whose souls has been committed to you. My own self, indeed, and the people of the whole realm of England I commend to your counsel and theirs who with you ought to take counsel for me; and I pray that it displease you not that I have received the royal blessing without you, from whom, had it been possible, I would have received it more willingly than from any other. But there was such necessity, because enemies wanted to rise against me and the people which I have to govern, and so my barons and this same people did not wish it to be deferred longer; by reason of this, then, I received it from your representatives. Indeed, I would have sent to you from my person some by whom I might also have dispatched money to you, but owing to the death of my brother the whole world is so disturbed all round the realm of England that they would not have been in any wise able to reach you safely. I advise you then and enjoin you not to come through Normandy, but by Witsand, and I will have my barons at Dover to meet you, and money to convey you, and you will find, by God's help, means to pay off well anything you have borrowed. Hasten therefore, father, to come, lest our mother the Church of Canterbury, so long tempest-tossed and desolate, should any further, for your sake, experience the loss of souls. Witness, Girard, bishop, and William, bishop-elect of Winchester, and William Warelwast, and Earl Henry, and Robert FitzHaimon, and Haimon my steward, and others, as well my bishops as barons. Farewell.

and the hurried coronation is explained as necessary.

Money is promised and the route prescribed.

XIX.

CANONS OF THE COUNCIL AT WESTMINSTER, A. D. 1102.

THE following canons are given on the authority of Eadmer, *Hist. Nov.* iii. 67, &c., but there is some uncertainty as to Councils held in this year, and Eadmer evidently gives a summary. 1102.

[Tr. Eadmer, *l. c.*, Rolls Series edition, p. 142.]

[The first canon concerned the practice of simony, for which certain members of the Council were deprived on the spot.] 1. Simony.

2. Bishops are not to undertake the office [of judge] in secular pleas, and are to dress not as laymen, but as becomes religious persons, and are always and everywhere to have honest persons witnesses of their conversation. 2. Bishops.

3. That archdeaconries be not let to farm. 3. Archdeaconries.

4. That archdeacons be deacons. 4. Archdeacons.

5. That no archdeacon, priest, deacon, or canon marry or retain a wife, and that any subdeacon who is not a canon, having married after profession of chastity, be bound by the same rule. 5–8. Celibacy of the clergy.

6. That a priest as long as he has illicit intercourse with a woman be not lawful nor celebrate mass, and if he do so that his mass be not heard.

7. That none be ordained to the subdiaconate, or beyond, without profession of chastity.

8. That sons of priests succeed not to their fathers' churches.

9. That no clerks at all be the agents or proctors of secular men, nor be judges of blood. 9–13. Conduct and dress of clerks.

10. That priests go not to drinking bouts nor drink to pegs[1] [*ad pinnas*].

[1] *Cf.* Bishop Stubbs, *Mem. of St. Dunstan*, Rolls Series, Pref. p. cviii.

1102. 11. That the apparel of priests be of one colour, and their shoes as ordered [*ordinata*].

12. That monks or clerks who have forsaken their order either return or be excommunicated.

13. That clerks have visible tonsures.

14–17. Church property. Tithes. 14. That tithes be only given to churches.

15. That churches and prebends be not bought.

16. That there be no new chapels without the bishop's consent.

17. That a church be not consecrated until things necessary for priest and church be provided.

18–22. Monastic restrictions. 18. That abbots do not make knights [*milites*], and that they eat and sleep in the same house with their monks except when necessity prevents.

19. That monks impose no penance on any without leave of their abbot, and that abbots cannot give them permission concerning this, save in the case of those over whom they have spiritual charge.

20. That monks be not godfathers, nor nuns godmothers.

21. That monks hold no towns [*villas*] at farm.

22. That monks accept no churches save through the bishops, and that when given to them they do not so deprive them of their rents, that the priests serving there be in lack of necessaries.

23–30. Various restrictions. 23. That plighted troth between man and woman, if given in secret and without witnesses, be considered void when denied by either party.

24. That those wearing hair be so shorn that part of their ears be visible and their eyes be not covered.

25. That relations up to the seventh degree be not married, nor if married cohabit any longer; and if any one be aware of this incest and declare it not, let him know that he is a party to the same guilt.

26. Burial of parishioners. 26. That bodies of dead people be not carried outside

their parish for burial so that the priest of the parish lose his just due therefrom. 1102.

27. That none in presumptuous novelty without episcopal authority show reverence for the bodies of dead people, or springs, or anything else, as we have discovered it to be done. 27. Reverence for dead bodies, &c.

28. That none henceforth presume to exercise that wicked trade whereby men were heretofore wont to be sold in England like brute beasts. 28. Slavery.

29. Those who commit sodomy, and those willingly aiding them in this, were in this same synod condemned with strict anathema, until by penance and confession they merit absolution. And as for a man detected in this crime, it was ordained that, if a person of a religious order, he be promoted to no higher rank, and be deposed from any he has; but if a layman, that he be deprived of his lawful condition in all the realm of England, and that none save a bishop presume to grant absolution for this crime to those who have not undertaken to live under vows. 29. Abominable crimes.

30. It was also ordained that the aforesaid excommunication be renewed throughout all England on every Lord's Day.

XX.

THE COMPROMISE OF INVESTITURES, A. D. 1107.

In the issue of the long controversy between Anselm and the king, on the question of Investiture, we are chiefly dependent on Eadmer, *Hist. Nov.* iv. 91, as quoted below. Matthew of Westminster, and other authorities, simply cite him. 1107.

[Tr. Johnson, compared with Eadmer, Rolls Series, 186; *cf.* Wilkins, i. 386.]

On the first of August an assembly of bishops, abbots, and nobles of the realm was held at London in the king's Preliminary discussion at

1107. palace. And for three successive days, in Anselm's absence,

London in Anselm's absence. the matter was thoroughly discussed between king and bishops concerning church investitures, some arguing for this that the king should perform them after the manner of his father and brother, not according to the injunction and obedience of the pope. For the pope in the sentence which had been then published, standing firm, had conceded homage, which Pope Urban had forbidden, as well as investiture, and in this way had won over the king about investiture, as may be gathered from the letter we have quoted above. Afterwards, in the presence of Anselm and a large concourse, the king agreed and ordained that henceforward no one should be invested with bishopric or abbacy in England by the giving of a pastoral staff or the ring, by the king or any lay hand; Anselm also agreeing that no one elected to a prelacy should be deprived of consecration to the office undertaken on the ground of homage, which he should make to the king. After this decision, by the advice of Anselm and the nobles of the realm, fathers were instituted by the king, without any investiture of pastoral staff or ring, to nearly all the churches of England which had been so long widowed of their shepherds.

Eventual compromise in Anselm's absence; (1) The king gives up lay investiture; (2) Anselm concedes homage as no bar to consecration.

XXI.

CANONS OF ANSELM AT LONDON, A.D. 1108.

1108. These canons are given in Eadmer, *Hist. Nov.* iv. 94, from whom they appear to have been quoted by later writers. The Council was held at London, at Whitsuntide.

[Tr. Eadmer, *Hist. Nov.* iv. 94, Rolls Series, p. 193; *cf.* Wilkins, i. 387.]

Obligation of celibacy. 1. It was ordained that priests, deacons, and subdeacons live in chastity, and have no women in their houses, save those very closely related to them, as the holy Nicene Council defined.

2. Those priests, deacons, and subdeacons, who after the prohibition of the London Council have retained their women, or have married others, if they wish to celebrate mass after this, shall put them away from themselves entirely [*facient alienas*], so that neither these enter their houses, nor they theirs, nor yet knowingly meet in any house; nor are such women to live on any church territory. 1108. Entire divorce decreed.

3. If they must needs speak with them for any honest reason, let them speak with them outside the house with two lawful witnesses. Further conference regulated.

4. And if any of them have been accused of breaking this statute, by two or three lawful witnesses, or public report of the parishioners, he shall purge himself with six witnesses if a priest, four if a deacon, two if a subdeacon. And if this purgation fail he shall be adjudged a breaker of the sacred decree. Purgation of offenders.

5. Let those priests who, despising God's altar and their holy orders, prefer to live with women, be deprived of office and benefice and put out of the choir, after being pronounced infamous. Treatment of refusal.

6. And if in rebellion and contempt any leave not the woman and presume to celebrate mass, let him be excommunicated on the eighth day unless he refuse not satisfaction when demanded.

7. This same sentence comprehends all archdeacons and canons as to leaving their women, and avoiding contact with them, and the censure incurred if they shall transgress the statutes. Extension to superior clergy.

8. All archdeacons shall swear that they will not take money to connive at the breach of this statute, nor will they suffer priests, whom they know to have women, to sing mass or to have vicars. Deans shall act in like manner, and the archdeacon or dean refusing to swear this shall lose his archdeaconry or deanery. Penalty for connivance.

9. But priests who choose to leave their women and serve Penance for those

1108. who return. God and His holy altars, vacating their office for forty days, shall in the meantime have vicars, penance being enjoined them according to the bishop's discretion.

Confiscation for further offence. 10. All movables belonging to priests, deacons, subdeacons, or canons who fall henceforth, shall be forfeited to the bishops, as well as the concubines, with their effects, as adulteresses.

XXII.

SECOND CHARTER OF STEPHEN, A.D. 1136.

1136. THIS charter was granted by Stephen at the first great Council of his reign. Its provisions are based upon a previous charter of Henry I.

[Tr. Statutes of the Realm, Charters of Liberties, p. 3. *Cf.* Stubbs, *S. C.* 120.]

The Church to be free. I, Stephen, by the grace of God and the assent of the clergy and people elected king of the English, and consecrated by William, archbishop of Canterbury and legate of the Holy Roman Church, and confirmed by Innocent, pontiff of the Holy Roman See, from regard and love to God, do grant holy Church to be free and confirm due reverence to her. I promise that I will not do nor allow any simony in the Church or in church affairs. I permit and confirm justice and power over ecclesiastical persons and all clerks and their effects, and the distribution of ecclesiastical goods to be in the hands of the bishops. The dignities of churches confirmed by their privileges, and their customs had of ancient continuance, I ordain and grant to remain inviolate. All the possessions and holdings of churches which they had on that day when William the king, my grandfather, was alive and dead, I grant to them to be free and absolute without any appeal from claimants. But if the Church shall hereafter seek to regain

Simony prohibited.

Bishops' authority over ecclesiastical persons, &c., allowed.

Ancient church privileges and property recognized within limits.

any of the things held or possessed before the death of the same king which the Church has no longer, I reserve them for my indulgence and dispensation for restoration or for consideration. But I confirm whatever has been bestowed upon them since the death of this same king, by the liberality of kings or the gift of great men, by presentation or acquisition, or by any exchange of the faithful. 1136.

Peace and justice promised.

I promise that I will perform peace and justice in all things, and will maintain these for them as far as I can.

Forest regulations.

I reserve for myself the forests which William my grandfather, and William my uncle established and had. All the others which King Henry further added I give back and grant to the churches and the kingdom without molestation.

Testamentary dispositions by bishops, &c.

If any bishop or abbot or other ecclesiastical person shall, before his death, reasonably devise or intend to devise his goods, I grant it to remain firm. But if he shall be overtaken by death let the same devise take place with the advice of the Church for the health of his soul.

Vacant sees.

Moreover, whilst sees shall be without their proper pastors, these and all their possessions I will commit to the hand and custody of the clerks or good men of the same church, until a pastor be canonically appointed to succeed.

Prohibition of exactions, &c.

I entirely abolish all exactions, and injuries, and miskennings[1] [*mescheningas*] wrongly introduced, whether by sheriffs or by any other. I will observe, and command and ordain to be observed, the good laws and ancient and just customs in murders and pleas and other causes. All these things I grant and confirm saving my royal and just dignity.

Witnesses.

Witness: W. Archbishop of Canterbury, Hugh Archbishop of Rouen, and Henry Bishop of Winchester, and Roger Bishop of Salisbury, and A. Bishop of Lincoln, and Nigel Bishop of Ely, and Everard Bishop of Norwich, and Simon Bishop of Worcester, and Bernard Bishop of St. David's, and Owen Bishop of Evreux, Richard Bishop of Avranches,

[1] Variation of plea made in court.

1136. Robert Bishop of Hereford, John Bishop of Rochester, Athelwulf Bishop of Carlisle, and other lay signatories. At Oxford, in the year 1136 from the Lord's Incarnation, and the first of my reign.

XXIII.

THE CONSTITUTIONS OF CLARENDON, A.D. 1164.

1164. Bishop Stubbs says that the Latin original of the following translation of the constitutions is probably the exact form in which they were reported to the king and confirmed by the bishops and barons.

[Tr. Cotton. MS., Claudius B. 2, f. 26. *Cf.* Stubbs, *S. C.* 137.]

This definite statement of the customs, &c., in dispute was drawn up and passed as a final settlement between the disputing parties.

In the year 1164 from our Lord's Incarnation, the fourth of the pontificate of Alexander, the tenth of Henry II, most illustrious king of the English, in the presence of the same king, was made this remembrance or acknowledgment of a certain part of the customs, liberties, and dignities of his ancestors, that is of King Henry his grandfather, and of others, which ought to be observed and held in the realm. And owing to strifes and dissensions which had taken place between the clergy and justices of the lord the king and the barons of the realm, in respect of customs and dignities of the realm, this recognition was made before the archbishops and bishops and clergy, and the earls and barons and nobles of the realm. And these same customs recognized by the archbishops and bishops, and earls and barons, and by those of high rank and age in the realm, Thomas Archbishop of Canterbury, and Roger Archbishop of York, and Gilbert Bishop of London, and Henry Bishop of Winchester, and Nigel Bishop of Ely, and William Bishop of Norwich, and Robert Bishop of Lincoln, and Hilary Bishop of Chichester, and Jocelyn Bishop of Salis-

bury, and Richard Bishop of Chester, and Bartholomew Bishop of Exeter, and Robert Bishop of Hereford, and David Bishop of St. David's, and Roger elect of Worcester, conceded, and by word of mouth steadfastly promised on the word of truth, to the lord the king and his heirs, should be kept and observed in good faith and without evil intent, these being present: Robert Earl of Leicester, Reginald Earl of Cornwall, Conan Earl of Brittany, John Earl of Eu, Roger Earl of Clare, Earl Geoffrey de Mandeville, Hugh Earl of Chester, William Earl of Arundel, Earl Patrick, William Earl of Ferrers, Richard de Luci, Reginald de St. Valery, Roger Bigot, Reginald de Warenne, Richer de Aquila, William de Braose, Richard de Camville, Nigel de Mowbray, Simon de Beauchamp, Humphry de Bohun, Matthew de Hereford, Walter de Mayenne, Manser Biset the steward, William Malet, William de Courcy, Robert de Dunstanville, Jocelin de Balliol, William de Lanvallei, William de Caisnet, Geoffrey de Vere, William de Hastings, Hugh de Moreville, Alan de Neville, Simon son of Peter, William Maudit the chamberlain, John Maudit, John Marshall, Peter de Mara, and many other magnates and nobles of the realm, as well clerical as lay. 1164. in the presence of certain nobles and others,

Now of the acknowledged customs and dignities of the realm a certain part is contained in the present document, of which part these are the chapters:— and the chapters here follow:

1. If controversy shall arise between laymen, or clergy and laymen, or clergy, regarding advowson and presentation to churches, let it be treated or concluded in the court of the lord the king. 1. Disputes as to advowson and presentation.

2. Churches belonging to the fee of the lord the king cannot be granted in perpetuity without his own assent and grant. 2. Restriction as to churches on king's fee.

3. Clerks cited and accused of any matter shall, when summoned by the king's justice, come into his own court to answer there concerning what it shall seem to the king's 3. Settlement as to accused clerks.

1164. court should be answered there, and in the church court for what it shall seem should be answered there; yet so that the king's justice shall send into the court of holy Church to see in what way the matter is there treated. And if the clerk be convicted, or shall confess, the Church must not any longer protect him.

4. Leave of absence to the clergy.

4. Archbishops, bishops, and persons of the realm are not allowed to leave the kingdom without licence of the lord the king; and if they do leave, they shall, if the king so please, give security that neither in going nor in staying, nor in returning, will they seek the ill or damage of the lord the king or realm.

5. Excommunicates.

5. Excommunicate persons are not to give pledge for the future, nor to take oath, but only to give security and pledge of abiding by the Church's judgment that they may be absolved.

6. Concerning charges against laymen.

6. Laymen are not to be accused save by proper and legal accusers and witnesses in the presence of the bishop, so that the archdeacon do not lose his right nor anything due to him thence. And if the accused be such that no one wills or dares to accuse them, the sheriff, when requested by the bishop, shall cause twelve lawful men from the neighbourhood [*de vicineto*] or the town to swear before the bishop that they will show the truth in the matter according to their conscience.

7. The excommunication of tenants in chief.

7. No one who holds of the king in chief, and none of his demesne officers are to be excommunicated, nor the lands of any one of them to be put under an interdict unless first the lord the king, if he be in the country, or his justiciar if he be outside the kingdom, be applied to, in order that he may do right for him; and so that what shall appertain to the royal court be concluded there, and that what shall belong to the church court be sent to the same to be treated there.

8. The

8. In regard to appeals, if they shall occur, they must

proceed from the archdeacon to the bishop, and from the bishop to the archbishop. And if the archbishop fail in showing justice, they must come at last to the lord the king, that by his command the dispute be concluded in the archbishop's court, so that it must not go further without the assent of the lord the king. 1164. direction of appeals

9. If a dispute shall arise between a clerk and a layman, or between a layman and a clerk, in respect of any tenement which the clerk wishes to bring to frank-almoign, but the layman to a lay fee, it shall be concluded by the consideration of the king's chief justice on the award of twelve lawful men, whether the tenement belong to frank-almoign or to lay fee, before the king's justiciar himself. And if the award be that it belongs to frank-almoign, it shall be pleaded in the church court, but if to the lay fee, unless both claim under the same bishop or baron, it shall be pleaded in the king's court. But if both appeal concerning this fee to the same bishop or baron, it shall be pleaded in his own court, so that for making the award he who was first seised, lose not his seisin until the matter be settled by the plea. 9. Disputes as to the disposition of a tenement.

10. If any one of a city, or castle, or borough, or a demesne manor of the lord the king, be cited by archdeacon or bishop for any offence for which he ought to answer them, and refuse to give satisfaction at their citations, it is well lawful to place him under interdict; but he must not be excommunicated before the chief officer of the lord the king of that town be applied to, in order that he may adjudge him to come for satisfaction. And if the king's officer fail in this, he shall be at the king's mercy, and thereafter the bishop shall be able to restrain the accused by ecclesiastical justice. 10. Spiritual offences of royal tenants.

11. Archbishops, bishops, and all persons of the realm who hold of the king in chief, have their possessions from the lord the king as barony, and are answerable therefor 11. Concerning clerical tenants in chief.

1164. to the king's justices and ministers, and follow and do all royal rights and customs, and like all other barons, have to be present at the trials of the court of the lord the king with the barons until it comes to a judgment of loss of limb, or death.

12. The custody of vacant sees, &c.

12. When an archbishopric or bishopric is vacant, or any abbey or priory of the king's demesne, it must be in his own hand, and from it he shall receive all revenues and rents as demesne. And when they come to provide for the church, the lord the king must cite the chief persons of the church, and the election must take place in the chapel of the lord the king himself, with the assent of the lord the king, and the advice of the persons of the realm whom he shall have summoned to do this. And the person elected shall there do homage and fealty to the lord the king as to his liege lord for his life and limbs and earthly honour, saving his order, before he be consecrated.

13. Concerning restraint of justice.

13. If any of the nobles of the realm forcibly prevent the archbishop or bishop or archdeacon from doing justice in regard of himself or his people, the lord the king must bring them to justice. And if perchance any one should deforce the lord the king, the archbishops and bishops and archdeacons must judge him, so that he gives satisfaction to the lord the king.

14. The goods of outlaws.

14. The goods of those who are under forfeit of the king, no church or cemetery is to detain against the king's justice, because they belong to the king himself, whether they be found inside churches or outside.

15. Pleas of debt.

15. Pleas of debts due under pledge of faith or without pledge of faith are to be in the king's justice.

16. Ordination of villeins.

16. Sons of villeins [*rusticorum*] ought not to be ordained without the assent of the lord on whose land they are known to have been born.

Now the record of the aforesaid royal customs and

dignities was made by the said archbishops and bishops, and earls and barons, and the nobles and elders of the realm, at Clarendon, on the fourth day before the Purification of the Blessed Mary, ever Virgin, the lord Henry the king's son, with his father the lord the king being present there. There are moreover many other great customs and dignities of holy Mother Church and the lord the king and the barons of the realm, which are not contained in this writing. And let them be safe for holy Church and the lord the king and his heirs and the barons of the realm, and be inviolably observed. 1164. Conclusion: Date and reference to other customs.

XXIV.

ANSWER OF INNOCENT III CONCERNING THE INTERDICT, A. D. 1208.

THE following document is a reply to the Bishops of London, Ely, and Worcester, as to the observance of the interdict. It is printed in Wilkins, i. 526. 1208.

[Tr. Cotton MS., Cleop. E. i. 147.]

Innocent the bishop [*episcopus*], &c., to the Bishops of London, Ely, and Worcester, greeting and apostolic blessing. We reply to your inquiries, that whereas by reason of the interdict new chrism cannot be consecrated on Maundy Thursday, old must be used in the baptism of infants, and, if necessity demand, oil must be mixed by hand of the bishop or else priest, with the chrism, that it fail not. And although the viaticum seem to be meet on the repentance of the dying, yet, if it cannot be had, we who read it believe that the principle holds good in this case, 'believe and thou hast eaten,' when actual need, and not contempt of religion, excludes the sacrament, and the actual need is expected soon to cease. Let neither gospel nor church hours be observed Answers concerning: i. Baptismal chrism. ii. The viaticum. iii. The church services.

1208. in the accustomed place, nor any other, though the people assemble in the same. Let religious men, whose monasteries people have been wont to visit for the sake of prayer, admit pilgrims inside the church for prayer, not by the greater door, but by a more secret place. Let church doors remain shut save at the chief festival of the church, when the parishioners and others may be admitted for prayer into the church with open doors. Let baptism be celebrated in the usual manner with old chrism and oil inside the church with shut doors, no lay person being admitted save the god-parents; and if need demand, new oil must be mixed. Penance is to be inflicted as well on the whole as the sick; for in the midst of life we are in death. Those who have confessed in a suit, or have been convicted of some crime, are to be sent to the bishop or his penitentiary, and, if need be, are to be forced to this by church censure. Priests may say their own hours and prayers in private. Priests may on Sunday bless water in the churchyard and sprinkle it; and can make and distribute the bread when blessed, and announce feasts and fasts and preach a sermon to the people. A woman after childbirth may come to church, and perform her purification outside the church walls. Priests shall visit the sick, and hear confessions, and let them perform the commendation of souls in the accustomed manner, but they shall not follow the corpses of the dead, because they will not have church burial. Priests shall, on the day of the Passion, place the cross outside the church, without ceremony, so that the parishioners may adore it with the customary devotion.

iv. Pilgrimages to monasteries.

v. Dedication festivals.

vi. Administration of baptism.

vii. Penance.

viii. Criminals.

ix. Priests' prayers.

x. Sunday functions.

xi. Churching.

xii. Visitation of the sick, &c.

xiii. Good Friday.

XXV.

JOHN'S SURRENDER OF THE KINGDOM TO THE POPE, A. D. 1213.

THIS took place at Dover, before Pandulf, the legate, May 15, 1213, and was renewed at London, before Nicholas, Bishop of Tusculum, on October 3, when the homage here promised was rendered. 1213.

[Tr. Cotton MS., Nero C. 2. See Stubbs, *S. C.* 284.]

John, by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine, earl of Anjou, to all the faithful in Christ who shall inspect this present charter, greeting. We will it to be known by all of you by this our charter, confirmed by our seal, that we, having offended God and our mother the holy Church in many things, and being on that account known to need the Divine mercy, and unable to make any worthy offering for the performance of due satisfaction to God and the Church, unless we humble ourselves and our realms—we, willing to humble ourselves for Him who humbled Himself for us even to death, by the inspiration of the Holy Spirit's grace, under no compulsion of force or of fear, but of our good and free will, and by the common consent of our barons, offer and freely grant to God and His holy apostles Peter and Paul, and the holy Roman Church, our mother, and to our lord the Pope Innocent and his catholic successors, the whole realm of England and the whole realm of Ireland with all their rights and appurtenances, for the remission of our sins and those of all our race, as well quick as dead; and from now receiving back and holding these, as a feudal dependant, from God and the Roman Church, in the presence of the prudent man Pandulf, subdeacon and familiar of the lord the pope, do and swear fealty for them to the aforesaid our lord the Pope Innocent and his catholic successors and the

The king's many offences can only be expiated by absolute surrender

of England and Ireland to Pope Innocent,

receiving them back as a feudal holding,

1213. Roman Church, according to the form written below, and will do liege homage to the same lord the Pope in his presence if we shall be able to be present before him; binding our successors and heirs by our wife, for ever, that in like manner to the supreme pontiff for the time being, and to the Roman Church, they should pay fealty and acknowledge homage without contradiction. Moreover, in proof of this our perpetual obligation and grant, we will and establish that from the proper and special revenues of our realms aforesaid, for all service and custom that we should render for ourselves, saving in all respects the penny of blessed Peter, the Roman Church receive 1000 marks sterling each year, to wit at the feast of St. Michael 500 marks, and at Easter 500 marks; 700 to wit for the realm of England, and 300 for the realm of Ireland; saving to us and our heirs, our rights, liberties, and royalties. All which, as aforesaid, we willing them to be perpetually ratified and confirmed, bind ourselves and our successors not to contravene. And if we or any of our successors shall presume to attempt this, whoever he be, unless he come to amendment after due admonition, let him forfeit right to the kingdom, and let this charter of obligation and grant on our part remain in force for ever.

and paying an annual service of 1000 marks for the same;

confirming the perpetuity of the transaction.

The Oath of Fealty.

Here follows the oath of fealty to the pope and his successors,

I, John, by the grace of God king of England and lord of Ireland, from this hour forward will be faithful to God and the blessed Peter and the Roman Church, and my lord the Pope Innocent and his successors following in catholic manner: I will not be party in deed, word, consent, or counsel, to their losing life or limb or being unjustly imprisoned. Their damage, if I am aware of it, I will prevent, and will have removed if I can; or else, as soon as I can, I will signify it, or will tell such persons as I shall believe will tell them certainly. Any counsel they entrust to me, immediately or

by their messengers or their letter, I will keep secret, and will consciously disclose to no one to their damage. The patrimony of blessed Peter, and specially the realm of England and the realm of Ireland, I will aid to hold and defend against all men to my ability. So help me God and these holy gospels. Witness myself at the house of the Knights of the Temple near Dover, in the presence of the lord H. Archbishop of Dublin; the lord J. Bishop of Norwich; G. Fitz-Peter, Earl of Essex, our justiciar; W. Earl of Salisbury, our brother; W. Marshall, Earl of Pembroke; R. Count of Boulogne; W. Earl of Warenne; S. Earl of Winchester; W. Earl of Arundel; W. Earl of Ferrers; W. Brewer; Peter, son of Herbert; Warren, son of Gerald. The 15th day of May in the 14th year of our reign. 1213. with the names of the witnesses.

XXVI.

JOHN'S ECCLESIASTICAL CHARTER, A. D. 1214.

1214. THE interdict was relaxed, June 29, 1214, and the damages of the Church assessed. The following charter was issued in November in order to detach the clergy, as it would seem, from the barons. It was reissued in January, 1215, and was confirmed by the Pope. See Stubbs, *S. C.* p. 288.

[Tr. Statutes of the Realm, Charters of Liberties, p. 5.]

Agreement being now made between king and bishops, John, by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine, earl of Anjou, to the archbishops, bishops, earls, barons, knights, bailiffs, and to all who shall see or hear these letters, greeting. Since by the grace of God, of the mere and free will of both parties, there is full agreement concerning damages and losses in the time of the interdict, between us and our venerable fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the Holy Roman Church

1214. and Bishops William of London, Eustace of Ely, Giles of Hereford, Joscelin of Bath and Glastonbury, and Hugh of Lincoln—we wish not only to make satisfaction to them, as far as in God we can, but also to make sound and beneficial provision for all the Church of England for ever; and so whatsoever custom has been hitherto observed in

the king concedes the free election of cathedral and conventual prelates,

the English Church, in our own times and those of our predecessors, and whatsoever right we have claimed for ourselves hitherto in the elections of any prelates, we have at their own petition, for the health of our soul and the souls of our predecessors and successors kings of England, freely of our mere and spontaneous will, with the common consent of our barons, granted and constituted, and by this our present charter have confirmed: that henceforth in all and singular the churches and monasteries, cathedral and conventual, of all our kingdom of England, the elections of all prelates whatsoever, greater or less, be

reserving custody of vacant royal churches, and demanding that permission be sought,

free for ever, saving to ourselves and our heirs the custody of vacant churches and monasteries which belong to us. We promise also that we will neither hinder nor suffer nor procure to be hindered by our ministers that in all and singular the churches and monasteries mentioned, after the prelacies are vacant, the electors should, whenever they will, freely set a pastor over them, yet so that leave to elect be first asked of us and our heirs, which we will not deny nor defer. And if by chance, which God forbid, we should deny or defer, let the electors, none the less, proceed to make canonical election; and likewise, after the election is

both to elect and for confirmation;

concluded, let our assent be demanded, which in like manner we will not deny, unless we put forth some reasonable excuse and lawfully prove it, by reason of which we should not consent. Wherefore we will and firmly forbid that when churches or monasteries are vacant, any one in anything proceed or presume to proceed in opposition to this our charter. But if any do ever at any time proceed

in opposition to it, let him incur the curse of Almighty God and our own. These being witnesses: Peter, bishop of Winchester, &c. (here follow twelve barons.) Given by the hand of Master Richard de Marisco, our chancellor, at the New Temple in London, on the 21st day of November in the 16th year of our reign. 1214. all action to the contrary being reprobated.

XXVII.

THE CHURCH CLAUSES OF MAGNA CARTA, A. D. 1215.

[Tr. Facsimile given in the Statutes of the Realm, of a contemporary copy in the custody of the Dean and Chapter of Lincoln. *Cf.* Stubbs, *S. C.* 296.] 1215.

John, by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine, earl of Anjou, to his archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, reeves, ministers, and all bailiffs and liege men, greeting. Know ye that we by God's inspiration and for the safety of our soul and those of our ancestors and heirs, for the honour of God and the exaltation of holy Church and the amending of our realm, by the advice of our venerable fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the Holy Roman Church, Henry, archbishop of Dublin, William of London, Peter of Winchester, Joscelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, and Benedict of Rochester, of Master Pandulf, subdeacon and familiar of the lord the Pope, of Emeric our brother, Master of the Knights of the Temple in England; and of the noble men, William Marshal Earl of Pembroke, William Earl of Salisbury, William Earl of Warenne, William Earl of Arundel, Alan of Galloway, constable of Scotland, Warren son of Gerald, Hubert de Burgh, steward of Poitou, Peter

Address and purpose of the charter.

The king's advisers both clerical and lay in drawing it up.

1215. FitzHerbert, Hugh Neville, Matthew FitzHerbert, Thomas Basset, Alan Basset, Philip de Albiny, Robert de Roppelay, John Marshal, John FitzHugh, and other our faithful men:—

The liberties of the Church of England are confirmed, and particularly freedom of election already granted,

1. Have in the first place granted to God, and confirmed by this our present charter, for us and our heirs for ever, that the Church of England be free, and have her rights intact, and her liberties uninjured; and so we will it to be observed, which appears from the fact that freedom of elections which is considered to be of chief moment and the more necessary for the Church of England, we have by our mere and spontaneous will, before the beginning of the discord between us and our barons, granted and confirmed by our charter, and have had it confirmed by the lord the Pope Innocent III, which we will both observe and will

as also the general liberties of all free men as stated in the sequel.

that it be observed in good faith by our heirs for ever. We have also granted to all free men of our realm for us and our heirs for ever, all the liberties mentioned below, to have and to hold for them and their heirs of us and our heirs.

[§§ 2-62 refer to secular matters. See Stubbs, *S. C.* pp. 297-305.]

Final confirmation of the liberties aforesaid

63. Wherefore we will and firmly command that the English Church be free, and that the men in our realm have and hold all the aforesaid liberties, rights, and grants, well and in peace, freely and quietly, fully and wholly, to themselves and their heirs of us and our heirs in all things and places for ever, as is aforesaid. Moreover an oath has been taken, as well on our side as on that of the barons,

by mutual oath.

that all these things aforesaid shall be observed with good faith and without evil disposition. The aforesaid and many

Date and place.

others being witness. Given by our hand in the meadow which is called Runnymede between Windsor and Staines, on the fifteenth day of June in the seventeenth year of our reign.

[*In chronological sequence, the Acts of the Council of London,* A.D. 1237, *should here follow. On account of their great length they are omitted from these pages, but will be found in Wilkins* (i. pp. 649–656). *The Canons of Ottobon,* A.D. 1268, *omitted for a similar reason, will be found in Wilkins* (ii. pp 1–19).]

XXVIII.

THE MORTMAIN ACT OF 1279.

7 Edward I, stat. 2.

1279. The following Mortmain Act became law in 1279. It is the first Act which deals with property given to ecclesiastical persons. It received addition or modification on various subsequent occasions, the most important being the Acts of 1391; 7 & 8 William III, cap. 37; 9 George II, cap. 36; and 5 George IV, cap. 103.

[Tr. Statutes of the Realm, i. 51.]

The king to his Justices of the Bench, greeting. Where of late it was provided, that religious men should not enter into the fees of any without licence and will of the chief lords, of whom those fees be holden immediately; and notwithstanding, religious men have entered as well into their own fees, as into the fees of other men, appropriating and buying them, and sometimes receiving them of the gift of others, whereby the services that are due from such fees, and which at the beginning were provided for defence of the realm, are wrongfully withdrawn, and the chief lords lose their escheats of the same:

Lately provided that religious men should not hold lands without licence.

This provision evaded.

We thereupon, to the profit of our realm, intending to provide convenient remedy by the advice of our prelates, earls, barons, and other our subjects, being of our council, have provided, established, and ordained, that no person, religious or other, whatsoever he be, presume to buy or sell any lands or tenements, or to receive them under the colour of gift or lease, or any other title, whatsoever it

Ordained that no land shall be alienated in mortmain upon pain of forfeiture.

1279. be, or by any other craft or device appropriate them to himself, under pain of forfeiture of the same, whereby such lands or tenements may in any wise come into mortmain.

Penalty for evasion of entry by an immediate chief lord on land so alienated.

We have provided also, that if any person, religious or other, do presume either by craft or device to offend against this statute, it shall be lawful to us and other chief lords of the fee immediate, to enter into the land so alienated, within a year from the time of the alienation, and to hold it in fee and inheritance.

Who shall take the benefit of the forfeiture if he is negligent.

And if the chief lord immediate be negligent, and will not enter into such fee within the year, then it shall be lawful to the next chief lord immediate of the same fee to enter into the same land within half a year next following, and to hold it as is aforesaid; and so every lord immediate may enter into such land, if the next lord be negligent in entering into the same fee, as is aforesaid.

In ultimate default the Crown.

And if all the chief lords of such fees, being of full age, within the four seas, and not imprisoned, be negligent or slack in this behalf for one year, we, immediately after the year accomplished, from the time that such purchases, gifts, or appropriations happen to be made, shall take such lands and tenements into our hand, and shall infeoff others therein by certain services to be done to us for the defence of our realm; saving to the chief lords of the same fees their wards and escheats, and other services therefor due and accustomed.

Proclamation of the statute ordered.

And therefore we command you, that you cause the aforesaid statute to be read before you, and from henceforth to be kept firmly and observed. Witness the king at Westminster, the 15th day of November, the 7th year of his reign.

XXIX.

THE WRIT 'CIRCUMSPECTE AGATIS,' A.D. 1285.

1285.

The authorities for this writ are a Cotton and two Harleian MSS., Cott. Claud. D. ii. f. 249^{b}, Harl. 395 and 667. The Cotton MS. is endorsed *Examinatur per rotulum*. All three differ in points of detail. The following translation is made from the collated texts as printed in the Statutes of the Realm, i. 101, with some use of the various readings there given.

[Tr. Statutes of the Realm, i. 101.]

The king to such and such judges, greeting. See that ye act circumspectly in the matter touching the Bishop of Norwich and his clergy, in not punishing them if they shall hold pleas in the Court Christian concerning those things which are merely spiritual, to wit:—concerning corrections which prelates inflict for deadly sin, to wit, for fornication, adultery, and such like, for which, sometimes corporal punishment is inflicted, and sometimes pecuniary, especially if a freeman be convicted of such things.

The king's prohibition should not affect purely spiritual matters.

The foregoing is the writ, and, apparently, a distinct document from what follows, which is a series of questions submitted to the king, with his answers thereto.

Also if a prelate impose a penalty for not enclosing a churchyard, leaving the church uncovered or without proper ornament, in which cases no other than a pecuniary fine can be inflicted.

Query—as to churches and churchyards;

Also if a rector demand the greater or the lesser tithe, provided the fourth part of any church be not demanded.

as to tithes and offerings;

Also if a rector demand a mortuary in places where a mortuary has been usually given.

as to mortuaries;

Also if a prelate of any church demand a pension from the rector as due to him:—all such demands are to be made in the ecclesiastical court.

as to pensions;

1285. as to violence to a clerk, defamation, and breach of faith. Are these cases cognizable in the ecclesiastical court, and when is a prohibition legal?

Concerning laying violent hands on a clerk, and in case of defamation, it has been granted formerly that pleas thereof may be held in the Court Christian, provided money be not demanded; but proceedings may be taken for correction of the sin; and likewise for breach of faith. In all these cases the ecclesiastical judge has to take cognizance, the king's prohibition notwithstanding, although it be put forward.

Wherefore laymen generally obtain a prohibition for tithes, oblations, mortuaries, redemptions of penances, laying violent hands on a clerk or a lay-brother, and in case of defamation, in which cases proceedings are taken to exact canonical punishment.

The king's answer:—No prohibition in cases of tithes, &c., save in special case.

The lord the king made answer to these articles, that in tithes, obventions, oblations, and mortuaries, when proceedings are taken, as is aforesaid, there is no place for prohibition. And if a clerk or religious person shall sell for money to any one his tithes stored in the barn, or being elsewhere, and be impleaded in the Court Christian, the royal prohibition has place, for by reason of sales, spiritual things are temporal, and then tithes pass into chattels.

Prohibition lies in cases of right to tithe in respect of patronage and pecuniary penance, but not in cases of violence to a clerk,

Also if dispute arise concerning the right of tithes, having its origin in the right of patronage, and the quantity of these tithes exceeds the fourth part of the church, the king's prohibition has place.

Also if a prelate impose pecuniary penalty on any one for sin, and demand the money, the king's prohibition has place, if the money is exacted before prelates.

Also if any one shall lay violent hands on a clerk, amends must be made for a breach of the peace of the lord the king, before the king, and for excommunication before the bishop; and if corporal penalty be imposed which, if the defendant will, he may redeem by giving money to the prelate or person injured, neither in such cases is there place for prohibition.

In defamations of freemen let the prelates correct, the king's prohibition notwithstanding, although it be tendered. 1285. or in defamation.

XXX.

ECCLESIASTICAL SUMMONS TO PARLIAMENT, A. D. 1295.

THESE, and other similar summonses, are translated from the *Report on the Dignity of a Peer*, App. I. pp. 64-67. See Stubbs, *S. C.* p. 484. 1295.

(1) *Summons of the Archbishop to a great Council.*

Edward, &c., to the venerable Father in Christ, Robert, by the same grace archbishop of Canterbury, primate of all England, greeting. Whereas, by reason of certain difficult affairs concerning us and our kingdom, and you and the other prelates of the same kingdom, which we do not desire should be dispatched without your and their presence, we wish to hold our Parliament and to hold conference and discussion with you on these matters; we command you, enjoining you strictly by the faith and love whereby you are bound to us, that you be with us at Westminster on the first day of August next to come, or at all events within the third day following at the latest, to discuss with us concerning the said matters, and to give your advice. And this you shall in no wise omit. Witness ourself at the White Monastery, the 23rd day of June.

Weighty business demands dispatch, do you be present at a Parliament to be held thereon.

[Similar letters are directed to the Archbishop of York, the other bishops, and various ecclesiastical persons, heads of religious houses. These of course are in addition to similar letters to the earls, barons, and judges.]

(2) *Summons of the Archbishop and Clergy to Parliament.*

The king to the venerable Father in Christ, Robert, by the same grace archbishop of Canterbury, primate of all England, greeting. As law most righteous, established by

Common danger requires common counsel,

1295. the prudent foresight of holy princes, enjoins and ordains that what affects all should be approved by all, it is in such wise, as is most clear, that common dangers may be met by remedies taken in common. You are doubtless well aware, and it is now, we believe, spread abroad through all the countries of the world, how that the King of France has treacherously and surreptitiously deceived us in regard to our land of Gascony by wickedly withholding it from us. And now, not content with the treachery and wickedness aforesaid, he has, in order to attack our realm, collected a very large fleet and a numerous retinue of soldiers, with whom he has already invaded our kingdom and the inhabitants of the same, and proposes to blot out entirely from the earth the English tongue, if his power correspond to the abominable design of the sin he has conceived, which God avert; because weapons foreseen do the less injure, and your interest, as that of all other your fellow-citizens in the realm, is at stake herein, we command you by the faith and love whereby you are bound to us, firmly enjoining, that on the Sunday next after the Feast of St. Martin in the winter next to come, you be present in person at Westminster, forewarning [*præmunientes*] the prior and chapter of your church, the archdeacons, and all the clergy of your diocese, causing that these same prior and archdeacons, in their own persons, and the said chapter by one, and the same clergy by two fit proctors, having full and sufficient authority from the chapter and clergy themselves, be present with you, by all means, then and there to discuss, ordain, and do with us and the other prelates and nobles and other inhabitants of our realm, in what manner we are to meet such perils and evils devised. Witness the king at Wengham, the 30th day of September.

and you being aware of the nefarious designs of France,

are to repair with proper representatives of the clergy to Westminster,

in order to discuss these matters.

[Similar letters are directed *mutatis mutandis* to the Archbishop of York and the bishops; also, omitting the clause *forewarning*, &c., to sixty-seven abbots and others.]

XXXI.

THE CLERICIS LAICOS BULL, A.D. 1296.

THE following Bull was issued by Pope Boniface VIII in 1296, and published, so far as concerned England, by Archbishop Winchelsey, in January, 1297. Its object was to stop the carrying on of wars so largely at the expense of the clergy. As a consequence of it, the clergy, in 1297, refused to grant an aid to Edward I, who thereupon outlawed them, and seized the temporalities of the see of Canterbury. Eventually a compromise was made, Archbishop Winchelsey promising to obtain money from the clergy if the king would confirm the charters of liberties, whilst the pope declared that his prohibition did not affect voluntary grants. 1296.

[Tr. *Fœdera*, i. p. 836.]

Boniface Bishop, servant of the servants of God, for the perpetual memory of the matter. That laymen have been very hostile to clerks antiquity relates, which too the experiences of the present times manifestly declare, whilst not content with their own bounds they strive for the forbidden and loose the reins for things unlawful. Nor do they prudently consider how power over clerks or ecclesiastical persons or goods is forbidden them: they impose heavy burdens on the prelates of the churches and ecclesiastical persons regular and secular, and tax them, and impose collections: they exact and demand from the same the half, tithe, or twentieth, or any other portion or proportion of their revenues or goods; and in many ways they essay to bring them under slavery, and subject them to their authority. And, as we sadly relate, some prelates of the churches and ecclesiastical persons, alarmed where there should be no alarm, seeking transient peace, fearing more to offend the temporal majesty than the eternal, acquiesce in such abuses, not so much rashly as improvidently, authority or licence of the Apostolic See not having been obtained. We therefore desirous of preventing such wicked actions, do, with apostolic authority decree, with the advice of our

Lay people having demanded taxes, &c., from ecclesiastical persons,

and their demands having been often allowed through fear,

1296. any ecclesiastics who shall hereafter pay or allow such demands,

brethren, that whatsoever prelates and ecclesiastical persons, religious or secular, of whatsoever orders, condition or standing, shall pay or promise or agree to pay to lay persons collections or taxes for the tithe, twentieth, or hundredth of their own rents, or goods, or those of the churches, or any other portion, proportion, or quantity of the same rents, or goods, at their own estimate or value, under the name of aid, loan, relief, subsidy, or gift, or by any other title, manner, or pretext demanded, without the authority of the same see.

and any people of position who exact the same, whatever rank they hold,

And also whatsoever emperors, kings, or princes, dukes, earls, or barons, powers, captains, or officials, or rectors, by whatsoever names they are reputed, of cities, castles, or any places whatsoever, wheresoever situate, and all others of whatsoever rank, pre-eminence or state, who shall impose, exact, or receive the things aforesaid, or arrest, seize, or presume to occupy things anywhere deposited in holy buildings, or to command them to be arrested, seized, or occupied, or receive them when occupied, seized, or arrested,

and any who aid or favour such demands are all hereby excommunicated.

and also all who knowingly give aid, counsel, or favour, openly or secretly, in the things aforesaid, by this same should incur sentence of excommunication. Universities, too, which may have been to blame in these matters, we subject to ecclesiastical interdict.

All acquiescence on the part of ecclesiastics will involve excommunication.

The prelates and ecclesiastical persons above mentioned we strictly command, in virtue of their obedience, and under pain of deposition, that they in no wise acquiesce in such things without express licence of the said see, and that they pay nothing under pretext of any obligation, promise, and acknowledgment whatsoever, made so far, or in progress heretofore, and before such constitution, prohibition, or order come to their notice, and that the seculars aforesaid do not in any wise receive it, and if they do pay, or the aforesaid receive, let them fall under sentence of excommunication by the very deed.

Moreover, let no one be absolved from the aforesaid sentences of excommunications and interdict, save at the moment of death, without authority and special licence of the Apostolic See, inasmuch as it is part of our intention that such a terrible abuse of secular powers should not in any-wise pass under dissimulation, any privileges whatsoever notwithstanding, in whatsoever tenors, forms or modes, or arrangement of words, conceded to emperors, kings and the others aforesaid; against which premises aforesaid we will that aid be given by no one, and by no persons in any respect

1296. Such sentence is not to be mitigated save at death or by special licence, that the abuse may be stopped.

Let it then be lawful to none at all to infringe this page of our constitution, prohibition, or order, or to gainsay it by any rash attempt; and if any one presume to attempt this, let him know that he will incur the indignation of Almighty God, and of his blessed apostles Peter and Paul.

No one is to infringe this constitution.

Given at Rome in St. Peter's on the 24th of February in the second year of our Pontificate.

XXXII.

THE BARONS' LETTER TO THE POPE FROM LINCOLN, A.D. 1301.

1301. Pope Boniface VIII, in a Bull dated June 27, 1299, claimed Scotland as a fief of Rome, forbidding Edward to molest the Scots. The king acknowledged its receipt, and reaffirmed the principle that such a demand must be laid before Parliament. This was done at Lincoln, in 1301, and the barons drew up the following reply to the pope.

[Tr. Original at Public Record Office, in the Chapter House Records.]

To the most holy father in Christ, the lord Boniface, by Divine Providence supreme pontiff of the Holy Roman Church, his devout sons [then follow the names of 104 earls and barons] devoutly kiss his blessed feet. The holy Roman

The Roman Church usually acts for the best in-

1301. terests of the Faith, mother Church, by whose ministry the Catholic faith is governed, proceeds in her acts, as we firmly believe and hold, with such mature deliberation that she can prejudice none, but only, like a tender mother, preserve unharmed the rights of individuals, no less in others than in herself. Now

but the pope's letter now read causes surprise by its demands concerning Scotland, a general Parliament having been summoned by our most serene lord Edward, by the grace of God the illustrious king of England, at Lincoln; our same lord caused certain letters apostolic, which he had received, written on your behalf, upon certain matters touching the condition and estate of the kingdom of Scotland, to be published and gravely expounded to us; which being heard and diligently considered, we have heard matters therein contained as well astonishing to our feelings as before unheard of. For we know, most holy father, and it is notorious in the parts of England, and not unknown in some others, that, from

which never owned the suzerainty of Rome, but only of England. the first foundation of the realm of England, the kings of that realm, as well in the times of the Britons, as of the English [*Anglorum*] have had the superior and direct overlordship of the realm of Scotland, and have been, at successive times, in possession even as it were of the suzerainty and direct lordship of the said realm of Scotland. Neither at any times did the said realm, in its temporalities, pertain, nor does it pertain by any manner of right, to the Church abovesaid. Yea, more, the said realm of Scotland [pertained] to the progenitors of our aforesaid lord, kings of England, and was their fief of old time. Neither also were the kings of the Scots, and the realm, subordinate nor wont to be subject to others, but to the kings of England.

Nor did the English kings recognize foreign lordship. Neither did the kings of England answer, nor ought they to answer, concerning their rights in the aforesaid kingdom, or other their temporalities, before any judge, ecclesiastical or secular, by reason of the free pre-eminence of the estate of their royal dignity and custom, unbrokenly preserved at all times. Wherefore, having held discourse, and

diligent deliberation being had concerning the things in your said letters contained, the common consenting and unanimous agreement of all and singular has been, is, and for the future, God willing, will be steadfastly observed :—that our aforesaid lord the king, for the rights of his kingdom of Scotland or other his temporalities, shall in no wise answer judicially before you, nor undergo judgment in any matter whatsoever, nor bring into doubtful questioning his rights aforesaid. Neither shall he send into your presence proctors or nuncios for that purpose, especially where the premises should manifestly tend to the disherison of the right of the crown of the kingdom of England, and of the royal dignity, and the notorious subversion of the estate of the same kingdom, and also to the prejudice of liberties, customs, and paternal laws, to the observance and defence whereof we are bound by the due performance of our oath taken, and which we will maintain with all our power and will defend with all our strength, by God's help. 1301. Hence the demand is refused, both now and for the future,

Neither do we permit, nor in any way will we permit, as we neither can nor ought, that our aforementioned lord the king, even if he should wish it, should do, or in any wise attempt the premises so unusual, undutiful, prejudicial, and otherwise unheard of. Wherefore we reverently and humbly implore your holiness benignly to permit the same our lord the king (who among other princes of the whole world proves himself Catholic and devoted to the Church of Rome) peacefully to possess his rights, liberties, customs, and laws, without diminution or inquietude, and that he may take the same unimpaired. and request is made for the peaceful observance of the rights invaded.

In witness whereof we have put our seals to these presents, as well for ourselves as for the whole commonalty of the said kingdom of England.

Given at Lincoln, 12 February, A.D. 1301.

XXXIII.

THE STATUTE OF CARLISLE, A. D. 1307.

35 EDWARD I, STAT. 1.

1307. THIS Act, directed against the abuses of papal patronage, was passed at the Parliament held at Carlisle in 1307, hence the name by which it is generally known.

[Tr. Statutes of the Realm, i. 150.]

Complaint to the king by the nobles, &c., of the realm, of abuses in the religious houses.

Of late it came to the knowledge of our lord the king, by the grievous complaint of the honourable persons, lords, and other noblemen of his realm, that whereas monasteries, priories and other religious houses were founded to the honour and glory of God, and the advancement of the holy Church, by the king and his progenitors, and by the said noblemen and their ancestors, and a very great portion of lands and tenements have been given by them to the said monasteries, priories, and houses, and the religious men serving God in them, to the intent that clerks and laymen might be admitted in such monasteries, priories, and religious houses, according to their sufficient ability, and that sick and feeble men might be maintained, hospitality, almsgiving, and other charitable deeds might be done, and that in them prayers might be said for the souls of the said founders and their heirs:

Why religious houses were founded.

Impositions set by the heads of certain religious orders abroad upon English, Irish, Scottish, and Welsh monasteries of

The abbots, priors, and governors of the said houses, and certain aliens their superiors, as the abbots and priors Cluniac, Cistercian, Premonstratensian, and of the order of St. Augustine and St. Benedict, and many more of other religion and order, have at their own pleasures set divers unwonted, heavy, and intolerable tallages, payments, and impositions upon every of the said monasteries and houses in subjection unto them in England, Ireland, Scotland and Wales, without the privity of our lord the king and his nobility, contrary to the laws and customs of the realm.

1307.

And thereby the number of religious persons, and other servants in the said houses and religious places, are oppressed by such tallages, payments, and impositions, the service of God is diminished, alms are not given to the poor, the sick and feeble, the healths of the living and the souls of the dead are miserably defrauded, and hospitality, almsgiving, and other godly deeds do cease; and so that which in times past was charitably given to godly uses, and to the increase of the service of God, is now converted to an evil end.

their orders contrary to law.

Loss to religion thereby.

Money given for charity converted to an ill-purpose.

By permission whereof there grows great scandal to the people, and infinite loss and disheritance are like to ensue to the founders of the said houses and their heirs, unless speedy and sufficient remedy be provided to redress so many and grievous detriments.

Scandal thereby.

Wherefore our aforesaid lord the king, considering that it would be very prejudicial to him and his people if he should any longer suffer so great losses and injuries to pass unnoticed, and therefore being willing to maintain and defend the monasteries, priories, and other religious houses erected in his kingdom, and in all lands subject to his dominion, and from henceforth to provide sufficient remedy to reform such oppressions, as he is bound, by the advice of his earls, barons, great men, and other nobles of his kingdom in his Parliament holden at Westminster, in the five-and-thirtieth year of his reign, has ordained and enacted:

The king proposes to remedy this as follows:

That no abbot, prior, master, warden, or other religious person, of whatsoever condition, state, or religion he be, being under the king's power or jurisdiction, shall by himself, or by merchants or others, secretly or openly, by any device or means, carry or send, or by any means cause to be sent, any tax imposed by the abbots, priors, masters or wardens of religious houses, their superiors, or assessed amongst themselves, out of his kingdom and his dominion, under the name of rent, tallage, or any kind of imposition, or otherwise by

Religious persons in monasteries within the king's jurisdiction shall send nothing to their superiors abroad.

1307. way of exchange, mutual sale, or other contract howsoever it may be termed; neither shall they depart into any other country for visitation, or upon any other colour, by that means, carry the goods of their monasteries and houses out of the kingdom and dominion aforesaid. And if any shall presume to offend this present statute, he shall be grievously punished according to the quality of his offence, and according to his contempt of the king's prohibition.

Nor go out of the country for visitation nor carry goods abroad. Penalty.

Moreover, our aforesaid lord the king inhibits all and singular abbots, priors, masters and governors of religious houses and places, being aliens, to whose authority, subjection, and obedience the houses of the same orders in his kingdom and dominion be subject, that they do not at any time hereafter impose, or by any means assess, any tallages, payments, charges, or other burdens whatsoever, upon the monasteries, priories, or other religious houses in subjection to them, as is aforesaid, and that under forfeiture of all that they have or can forfeit.

No impositions to be taxed by the heads of alien religious houses on the houses in subjection to them. Penalty.

And further our lord the king has ordained and established, that the abbots of the orders Cistercian and Premonstratensian, and other religious orders, whose seal has heretofore been used to remain only in the custody of the abbot, and not of the convent, shall hereafter have a common seal, and that shall remain in the custody of the prior of the monastery or house, and four of the most worthy and discreet men of the convent of the same house, to be laid up in safe keeping under the privy seal of the abbot of the same house; so that the abbot or prior, who governs the house, shall be able, of himself, to establish nothing, though heretofore it has been otherwise used. And if it happen hereafter, that writings of obligations, donations, purchases, sales, alienations, or of any other contracts, be sealed with any other seal than such common seal, kept as is aforesaid, they shall be adjudged void and of no force in law.

As to custody of the common seal of abbeys.

1307.

But it is not the meaning of our lord the king to exclude the abbots, priors, and other religious aliens, by the ordinances and statutes aforesaid, from executing their office of visitation in his kingdom and dominion; but they may visit at their pleasure, by themselves or others, the monasteries and other places in his kingdom and dominion in subjection unto them, according to the duty of their office, in those things only that belong to regular observance, and the discipline of their order.

The heads of alien religious houses may visit their inferiors in England in matters of discipline, &c.

Provided, that they which shall execute this office of visitation, shall carry, or cause to be carried out of his kingdom and dominion, none of the goods or things of such monasteries, priories, and houses, saving only their reasonable and competent charges.

But these visitors shall not carry any monastic property back with them.

And though the publication and open notice of the ordinances and statutes aforesaid was stayed in suspense for certain causes since the last Parliament, holden at Carlisle on the octave of St. Hilary, in the five-and-thirtieth year of the reign of the same King Edward, to the intent they might proceed with greater deliberation and advice; our lord the king, after full conference and debate had with his earls, barons, nobles, and other great men of his kingdom, touching the premises, by their whole consent and agreement has ordained and enacted, that the ordinances and statutes aforesaid, under the manner, form, and conditions aforesaid, from the first day of May next ensuing, shall be inviolably observed for ever, and that the offenders of them shall be punished, as is aforesaid.

Postponement in publishing these ordinances.

To be observed from May 1 next.

XXXIV.

THE ARTICULI CLERI OF A. D. 1316.

1316. QUESTION having arisen with regard to the limits of the relative jurisdictions of the spiritual and temporal courts, the following authoritative answers were given by the king at York, Nov. 24, 10 Edw. II, A. D. 1316. This document was considered as a concordat between the Church and State on the questions involved. See Stubbs, *Const. Hist.* ii. 354.

[Tr. Statutes of the Realm, i. 171.]

Divers complaints made by the clergy of the English Church, of grievances.

The king to all to whom, &c., greeting. Know ye, that whereas of late in the times of our progenitors formerly kings of England, in divers their Parliaments, and likewise after that we had undertaken the governance of our realm, in our Parliaments, many articles containing divers grievances, committed, as was asserted in the same, against the English Church, the prelates and clergy, were propounded by the prelates and clerks of our realm; and further, great instance was made that convenient remedy might be provided therein: and of late in our Parliament holden at Lincoln, the ninth year of our reign, we caused the articles underwritten, with certain answers made to some of them heretofore, to be rehearsed before our council, and caused certain answers to be corrected; and to the residue of the articles underwritten, answers were made by us and our council; of which said articles, with the answers to the same, the tenors here ensue:

These rehearsed before the Parliament at Lincoln and redress promised.

First, laymen purchase prohibitions generally upon tithes, obventions, oblations, mortuaries, redemption of penance, violent laying hands on clerk or conversus, and in cases of defamation; in which cases proceeding is had to enjoin canonical penance. The king answers to this article, that in tithes, oblations, obventions, mortuaries, when they are propounded under these names, the king's prohibition has no place, even if for the long withholding of these

1. No prohibition shall be granted but where money is

they come to a pecuniary settlement of the same. But if a clerk or a religious man sells his tithes, being gathered in his barn, or otherwise, to any man for money, if the money be demanded before a spiritual judge, the prohibition shall lie; for by the sale the spiritual goods are made temporal, and the tithes turned into chattels. 1316. demanded for tithes.

Also if dispute arise upon the right of tithes, having its origin in the right of patronage, and the quantity of the same tithes comes to the fourth part of the goods of the church, the king's prohibition has place, if this cause come before a judge spiritual. Also if a prelate enjoin a pecuniary penance to a man for his offence, and it be demanded, the king's prohibition has place. But if prelates enjoin penances corporal, and they which be so punished will redeem, upon their own accord, such penances by money, if money be demanded before a judge spiritual, the king's prohibition has no place. 2. Of the right of tithes coming to the fourth part. Enjoining penance corporal or pecuniary.

Moreover, if any lay violent hands on a clerk, the amends for the peace broken shall be before the king, and for excommunication before the prelate, that penance corporal may be enjoined; which if the offender will redeem of his own good will, by giving money to the prelate, or to the party grieved, it can be required (*repeti*) before the prelate, and the king's prohibition shall not lie. 3. Laying violent hands upon clerks.

In defamations also, prelates shall correct in the manner abovesaid, the king's prohibition notwithstanding, first enjoining a penance corporal, which if the offender will redeem, the prelate may freely receive the money, though the king's prohibition be tendered. 4. Prelates may correct for defamation.

[*For the above see also supra, No. XXIX.*]

Also if any erect on his soil a new mill, and afterwards the parson of the place demands tithe for the same, the king's prohibition issues in this form: 'Quia de molendino tali hactenus decimae non fuerunt solutae, prohi- 5. No prohibition where tithe is demanded

1316. of a new mill.

bemus, &c. et sententiam excommunicationis, si quam hac occasione promulgaveritis revocetis omnino.' The answer: In such case the king's prohibition never issued by the king's assent, who also decrees that such shall never at any time issue.

6. Where a suit may be commenced both in a spiritual and temporal court.

Also if any cause or matter, the knowledge whereof belongs to a court spiritual, and shall be definitively determined before a spiritual judge, and pass into a judgment, and shall not be suspended by an appeal, and afterwards, if upon the same thing a question is moved before a temporal judge between the same parties, and it be proved by witnesses or instruments, such an exception shall not be admitted in a temporal court. The answer: When the same case is debated before judges spiritual or temporal (as above appears upon the case of laying violent hands on a clerk) they say, that notwithstanding the spiritual judgment, the king's court shall discuss the same matter as the party shall think expedient for himself.

7. The king's letter sent to discharge one excommunicated.

Also the king's letter is directed to ordinaries that have involved those that be in subjection to them in the sentence of excommunication, that they should assoil them by a certain day, or else that they should appear, and show wherefore they have excommunicated them. The answer: The king decrees, that hereafter no such letters shall be suffered to issue, except in case where it is found that the king's liberty is prejudiced by the excommunication.

8. Privilege of the Exchequer.

Also barons of the king's Exchequer—claiming by their privilege that they ought to make answer to no complaint out of the same place—extend the same privilege to clerks abiding there, called to orders or to residence, and inhibit ordinaries that by no means or for any cause, so long as they be in the Exchequer or in the king's service, shall they call them to judgment. The answer: It pleases our lord the king, that such clerks as attend in his service, if they offend, shall be corrected by their ordinaries, like as

Clerks in the king's service shall be corrected by their ordinaries.

other; but so long as they are occupied about the Exchequer, they shall not be bound to keep residence in their churches. Here it is thus added anew by the king's council: The king and his ancestors, time out of mind, have used that clerks, who are employed in his service, during such time as they are in service, shall not be compelled to keep residence at their benefices; and such things as be thought necessary for the king and the commonwealth, ought not to be said to be prejudicial to the liberty of the Church. 1316. Clerks in the king's service not bound to residence.

Also the king's officers, as sheriffs and others, enter into the fees of the Church to take distresses, and they sometimes take the rector's beasts in the king's highway, where they have nothing but the land belonging to the Church. The answer: The king's pleasure is, that from henceforth such distresses shall neither be taken in the king's highway, nor in the fees wherewith churches in times past have been endowed; nevertheless he wills that distresses be taken in possessions newly purchased by ecclesiastical persons. 9. Distresses shall not be taken in the highway, nor in the ancient fees of the Church.

Also where some, flying to the church, abjure the land, according to the custom of the realm, and laymen, or their enemies, do pursue them, and they are taken from the king's highway, and are hanged or beheaded, and whilst they be in the church are kept in the churchyard by armed men, and sometimes in the church, so straitly, that they cannot depart from the hallowed ground to relieve nature, and are not suffered to have necessaries brought to them for their living. The answer: They that abjure the land, so long as they be on the common way, are in the king's peace, nor ought they to be disturbed by any man; and when they be in the church, their keepers ought not to abide in the churchyard, except necessity or peril of escape so require it. And so long as they be in the church, they shall not be compelled to flee away, but 10. They that abjure the realm shall be in peace whilst they be in the church, or in the highway.

1316. they shall have necessaries for their living, and may go forth to relieve nature. And the king's pleasure is, that robbers being appellants, whensoever they will, may confess their offences to priests; but let the confessors beware lest such appellants erroneously inform.

11. Religious houses shall not be charged with pensions, &c.

Also it is prayed that our lord the king, and the great men of the realm, do not charge religious houses, or spiritual persons, for corrodies, pensions, or provisions in religious houses, and other places of the Church, or with taking up horses [and] carts, whereby such houses are impoverished, and God's service is diminished, and, by reason of such charges, priests and other ministers of the Church, deputed to divine service, are oftentimes compelled to depart from the places aforesaid. The answer: The king's pleasure upon the contents in the petition is that from henceforth they shall not be unduly charged. And if the contrary be done by great men or others, they shall have remedy after the form of the statutes made in the time of King Edward, father to the king that now is. And like remedy shall be made for corrodies and pensions extracted by compulsion, whereof no mention is made in the statutes.

12. Tenants in chief, if excommunicated, are not privileged.

Also if any persons of the king's tenure be called before their ordinaries out of the parish where they continue, and they be excommunicated for their manifest contumacy, and after forty days a writ goes forth to take them, they pretend their privilege that they ought not to be cited out of the town and parish where their dwelling is, and so the king's writ for taking the same is denied. The answer: It was never yet denied, nor shall be hereafter.

13. The examination of a clerk belongs to a spiritual judge.

Also it is prayed that spiritual persons—whom our lord the king presents to benefices of the Church, if the bishop will not admit them, either for lack of learning or for other cause reasonable—may not be under the examination of lay persons in the cases aforesaid, as it is at this time, in fact, attempted, contrary to the decrees canonical; but that

they may sue for remedy to the spiritual judge, to whom of right it belongs. The answer: Of the ability of a parson presented to a benefice of the Church, the examination belongs to a spiritual judge; and so it has been used heretofore, and shall be hereafter. 1316.

Also if any dignity be vacant where election is to be made, it is prayed that the electors may freely make their election without fear of any temporal power, and that all prayers and oppressions shall in this behalf cease. The answer: They shall be freely made according to the form of statutes and ordinances. 14. There shall be free election to dignities of the Church.

Also, though a clerk ought not to be judged before a temporal judge, nor anything done against him that concerns life or member; nevertheless temporal judges cause clerks fleeing to the church, and peradventure confessing their offences, to abjure the realm, and for the same cause admit their abjurations, although hereupon they cannot be their judges, and so power is wrongfully [*indirecte*] given to lay persons to put to death such clerks, if they chance to be found within the realm after their abjuration. The prelates and clergy desire such remedy to be provided herein, that the immunity or privilege of the Church and spiritual persons may be saved and unbroken. The answer: A clerk fleeing to the church for felony, to obtain the privilege of the Church, if he affirm himself to be a clerk, shall not be compelled to abjure the realm; but yielding himself to the law of the realm, shall enjoy the privilege of the Church, according to the laudable custom of the realm heretofore used. 15. A clerk fleeing to the church for felony shall not be compelled to abjure.

Also notwithstanding that a confession made before him that is not lawful judge thereof, is not sufficient whereon process may be awarded, or sentence given; yet some temporal judges with respect to clerks—who in this behalf are not of their jurisdiction—confessing before them their heinous offences, such as thefts, robberies, or murders, do 16. The privilege of the Church being demanded by the ordinary, shall not be

1316. denied to a clerk that has confessed felony.

admit them to an accusation against others, which such judges call an appeal [*appellum*], and do not, after the premises, deliver them, so confessing, accusing, or making appeal, to their prelates, although they [the judges] be sufficiently required therein; albeit they cannot be judged or condemned before them by their own confession without breaking the Church's privilege. The answer: The privilege of the Church shall not be denied to one appealing, when summoned in due form, as a clerk, by his ordinary.

We—desiring to provide for the state of the English Church, and for the tranquillity and quiet of the prelates and clergy aforesaid, so far as we may lawfully do, to the honour of God, and emendation of the Church, prelates, and clergy of the same, ratifying, confirming, and approving all and every of the articles aforesaid, with all and every of the answers made and contained in the same—do grant and command them to be kept firmly, and observed for ever; willing and granting for us and our heirs, that the aforesaid prelates and clergy, and their successors, shall use, execute, and practise for ever the jurisdiction of the Church in the premises after the tenor of the answers aforesaid, without let, molestation, or vexation of us or of our heirs, or of any of our officers whosoever they be. Witness the king at York, the 24th day of November, in the tenth year of the reign of King Edward, the son of King Edward.

By the king himself and the Council.

[The first Statute of Provisors was passed in 1351; as it is recited in the second statute, *vide post*, No. XXXIX, it is not printed here.]

XXXV.

THE FIRST STATUTE OF PRÆMUNIRE,

A.D. 1353.

27 EDWARD III, STAT. 1.

THE enactment of a Statute of Provisors in 1351 (*vide ante*, p. 102, *note*) logically necessitated a Statute of Præmunire; this latter aimed at preventing encroachment upon, or usurpation of, jurisdiction, just as the former aimed at defending patronage. Præmunire makes it treason to appeal to the pope against the king. A second Act of Praemunire was passed in 1393 (*vide post*, No. XL]. 1353.

[Tr. Statutes of the Realm, i. 329.]

Our lord the king, by the assent and prayer of the great men, and the commons of his realm of England, at his great council holden at Westminster, on Monday next after the feast of St. Matthew the apostle, the twenty-seventh year of his reign of England, and of France the fourteenth, in amendment of his said realm, and maintenance of the laws and usages, has ordained and established these things under written:

Complaint that many have been called out of the realm to answer plaints cognizable in the king's courts, and that judgments there given are elsewhere impeached.

First, because it is shown to our lord the king, by the grievous and clamorous complaints of the great men and commons aforesaid, how that divers of the people be, and have been drawn out of the realm to answer for things, whereof the cognizance pertains to the king's court; and also that the judgments given in the same court be impeached in another court, in prejudice and disherison of our lord the king, and of his crown, and of all the people of his said realm, and to the undoing and destruction of the common law of the same realm at all times used.

Whereupon, good deliberation being had with the great men and others of his said council, it is assented and

1353. accorded by our lord the king, and the great men and commons aforesaid, that all the people of the king's allegiance, of whatsoever condition they be, which shall draw any out of the realm in plea, whereof the cognizance pertains to the king's court, or of things whereof judgments be given in the king's court, or which do sue in any other court, to defeat or impeach the judgments given in the king's court, shall have a day, within the space of two months, by warning to be made to them in the place where the possessions be, which are in debate, or otherwise where they have lands or other possessions, by the sheriffs or other the king's ministers, to appear before the king and his council, or in his chancery, or before the king's justices in his places of the one bench or the other, or before other the king's justices which to the same shall be deputed, to answer in their proper persons to the king, of the contempt done in this behalf.

Those so calling out of the realm, or impeaching, to answer before the king in council.

Penalty for default.

And if they come not at the said day in their proper persons to be at the law, they, their procurators, attorneys, executors, notaries, and maintainers, shall from that day forth be put out of the king's protection, and their lands, goods, and chattels forfeited to the king, and their bodies, wheresoever they may be found, shall be taken and imprisoned, and ransomed at the king's will: And upon the same a writ shall be made to take them, by their bodies, and to seize their lands, goods, and possessions, into the king's hands; and if it be returned that they be not found, they shall be put in exigent, and outlawed.

Appearance within two months will save outlawry.

Appearance of the offender after two months will save his outlawry, but not his lands or goods.

Provided always, that at what time they come before they be outlawed, and will yield themselves to the king's prison to be justified by the law, and to receive that which the court shall award in this behalf, that they shall be thereto received; the forfeiture of lands, goods, and chattels abiding in force, if they do not yield themselves within the said two months, as is aforesaid.

XXXVI.

LETTER OF POPE GREGORY XI TO ARCHBISHOP SUDBURY, AND THE BISHOP OF LONDON, DIRECTING PROCEEDINGS AGAINST WYCLIFFE, A.D. 1377.

1377

This letter represents one of five papal Bulls signed by Gregory XI on May 22, 1377, against Wycliffe, and appears to contain the essence of the whole number. Another of the series cites this one, and directs that if Wycliffe cannot be arrested, a public writ should be posted at Oxford and elsewhere, summoning him to appear at Rome within three months to answer for the propositions objected to, and to receive sentence. A third letter directs them to warn the king (Edward), his sons, the queen, and all the nobles and counsellors of the king, of the enormity and political danger of Wycliffe's tenets, and to require them to lend all help to prevent these errors from proceeding farther.

[Tr. Sudbury's *Register*, f. 45 b; cf. Wilkins, iii. 116.]

England, once famous for faith, holy learning and sacred influence,

Gregory, bishop, servant of the servants of God, to our venerable brethren the Archbishop of Canterbury and the Bishop of London, greeting and apostolic blessing. The realm of England, so glorious for its power, and the abundance of its resources, but more glorious for the piety of faith, and radiant for its renown in the sacred page, was wont to produce men gifted with the true knowledge of the Holy Scriptures, of profound ripeness, famous for their devotion, champions of the orthodox faith, who used to instruct not only their own but other peoples in the truest lessons, directing them into the path of the Lord's commandments; and as we infer from the result of the events of old, the prelates of the said kingdom set on the watchtower of their solicitude, undertaking their own watch with earnest care, did not suffer any error to arise that might infect their sheep, but if tares did spring up from the sowing of the Enemy of

1377. man, they forthwith plucked them up, and so the pure grain grew continually, meet to be stored in the Lord's garner. But alas it now is clear that in this selfsame realm, watchful by office but careless through negligence, they do not compass the city, whilst enemies enter into it to prey on the most precious treasure of men's souls; whose sly entries and open attacks are noted in Rome, though at a distance so far removed, before resistance is made to them in England. We have heard forsooth with much grief by the intimation of many credible persons that John Wycliffe, rector of the church of Lutterworth in the diocese of Lincoln, professor of the sacred page—would he were not a master of errors!—is said to have rashly broken forth into such detestable madness that he does not fear to assert, profess, and publicly proclaim in the aforesaid realm, certain propositions and conclusions, erroneous and false, and discordant with the faith, which endeavour to subvert and weaken the stability of the entire Church (and of which some, albeit with certain change of terms, appear to breathe the perverse opinions and the unlearned doctrine of Marsilius of Padua and John of Jandun, of condemned memory, whose book was reprobated and condemned by Pope John XXII of happy memory, our predecessor) malevolently infecting with them some of the faithful in Christ, and causing them to swerve from the Catholic faith, without which is no salvation.

has now sadly changed, and her prelates fail to defend the faith,

especially against the errors of Wycliffe.

These errors he has imbibed from abroad and they are disastrous,

Now for these errors so started, they not having been extirpated, or at all events no opposition which we know of having been offered, but your eyes conniving at their propagation or toleration, you and some of the prelates of England, when you ought to be pillars of the Church and vigilant defenders of the said faith, for that you pass them by so negligently with a certain connivance, ought to be covered with due shame, to be full of compunction, and to feel the sting of your own consciences. Wherefore we—being un-

and ought to be checked by the careless bishops.

willing, as in duty bound, that an evil so pernicious (which unless cut off, or pulled up by the roots, might, which God forbid, insinuate itself into the souls of very many to their destruction by its fatal poison) should proceed under cover of dissimulation—commission and command you, our brethren, by apostolic writings, that, after receiving the presents, you, or one of you, shall secretly inform yourselves of the assertion of the said propositions and conclusions, a copy of which we send you enclosed under our Bull; and if you find it so to be, you shall endeavour to have the aforesaid John arrested by our authority, and committed to prison, and receive his confession touching the same propositions or conclusions. And that confession, and whatsoever the said John shall state or write upon the allegation and proof of the same propositions and conclusions, and everything you do in the premises, you shall close up under your own seals and disclose to none, and send to us by a trusty messenger. And you shall keep the said John in prison [*vinculis*] under safe custody until you receive further commands from us in this matter, restraining all gainsayers by ecclesiastical censure without appeal; and for this, calling in, if need be, the help of the secular arm: notwithstanding the Bull of Boniface VIII, our predecessor, of happy memory, wherein it is provided 'that no one be summoned to judgment outside his city or diocese, save in certain special cases, and in those not beyond one day's journey from the limit of his diocese,' or 'that no judges delegated from the Apostolic See presume to summon any persons beyond one day's journey from the limit of their diocese,' and concerning two days' journey, in a general council, and exemptions, and other privileges, constitutions, and apostolic letters to the Preachers, the Minorites, the Hermits of St. Augustine, and of St. Mary of Mount Carmel, and to any others of the Mendicants, or to any other orders and places, or to special persons, or to any chapters and convents

1377.

Wycliffe is to be arrested, examined, and reported at Rome,

and is to be detained, all exemption notwithstanding, however granted.

1377. of the same, general or special, of whatsoever tenors they may be, and also the statutes and customs of the same orders and places to the contrary—whereby the effect of the presents should in any wise be hindered or postponed, even if full and express mention ought to be made in our letters of them and their entire tenors and word by word; or if to the aforesaid John, or to any others, in common or individually, indulgence has been granted by the said see, that they cannot be personally arrested or interdicted or suspended or excommunicated by apostolic letters not making full and express mention and word for word of such indulgence.

Given at Rome, in Sta. Maria Maggiore, the 11th [before] kalends of June [the 22nd day of May], in the seventh year of our Pontificate.

XXXVII.

WYCLIFFE PROPOSITIONS CONDEMNED AT LONDON, A.D. 1382.

1382. The following propositions were drawn up under the direction of Archbishop Courtney, and condemned by the Convocation of Canterbury in a session held at Blackfriars, in May, 1382, after they had been submitted to the examination of certain doctors and bachelors of civil and canon law. They occur in *Fasc. Ziz.* 277-282 (Rolls Series).

[Tr. Rolls Series, *l. c.*, printed from Courtney's *Register*.]

Heretical conclusions repugnant to the Church's determination.

1-6. Heresies alleged concerning the Mass. 1. That in the Sacrament of the altar the material substance of bread and wine remains after consecration. 2. That accidents remain not without a subject in the same sacrament. 3. That Christ is not in the Sacrament of the altar essentially, truly, and really, in His own corporal presence. 4. That if bishop or priest be in mortal sin he

cannot ordain, consecrate, or baptize. 5. That if a man be properly repentant all outward confession is superfluous or useless for him. 6. To affirm constantly that it was not set down in the Gospel that Christ ordained the Mass. 7. That God ought to obey the Devil. 8. That if the pope be an abandoned or evil man, and so a member of the Devil, he has not power over the faithful of Christ granted him by any, save perhaps by Caesar. 9. That after Urban VI no one is to be regarded as pope, but we must live like the Greeks under our own laws. 10. To assert that it is contrary to Holy Scripture that ecclesiastical men should have temporal possessions. 1382. 7–12. Heresies alleged concerning the pope, &c.

Erroneous conclusions repugnant to the Church's determination.

11. That no prelate ought to excommunicate any unless he first knows that he is excommunicated by God. 12. That if he excommunicates he is thereby a heretic or excommunicate. 13. That a prelate excommunicating a clerk who has appealed to the king and the council of the realm is thereby a traitor to God, king, and realm. 14. That those who cease to preach or hear the word of God or the Gospel preached on account of the excommunication of men are excommunicate, and on the day of judgment will be held traitors to God. 11–14. Errors alleged concerning excommunication.

15. To assert that it is lawful to any deacon or priest to preach the word of God without the authority of the Apostolic See, or a catholic bishop, or some other [authority] sufficiently sure. 16. To assert that no one is civil lord, bishop, or prelate while he is in mortal sin. 17. That temporal lords can at their will take away temporal goods from ecclesiastics habitually sinful, or that the public may at their will correct sinful lords. 18. That tithes are pure alms, and that parishioners can withhold them for the sins of their curates, and confer them at pleasure on others. 19. That special prayers restricted to one person 15–18. Errors alleged as to jurisdiction, tenure, rights of property, and tithes of ecclesiastics.

1382. by prelates or religious do no more avail the same person, other things being equal, than general prayers. 20. That the very fact of a man entering any private religion makes him more foolish and unfit for performing God's commandment. 21. That holy men endowing private religions, as well of possessioners as of mendicants, have sinned in so endowing. 22. That the religious living in private religions are not of the Christian religion. 23. That friars are bound to get their living by the labour of their hands and not by mendicancy. 24. That he who gives alms to friars or a preaching friar is excommunicate, and he who takes them.

19 24. Errors alleged about private religion, endowments, and friars.

[N.B. Archbishop Courtney's *Register* proceeds to give a very long process against heretics, addressed to the Bishop of London; *cf.* Wilkins, iii. 158–165.]

XXXVIII.

LETTERS PATENT AGAINST THE LOLLARDS, A. D. 1384.

1384. LETTERS patent against the Lollards were, at the request of Archbishop Courtney, issued by the king in July, 1382, which letters applied to the province of Canterbury. The archbishop followed this up with a private letter to his suffragans. In December, 1384, the letters patent were confirmed and extended to the province of York in the form given below.

[Tr. *Pat. Roll*, 8 Rich. II, pt. i. m. 7.]

Concerning the arrest of certain persons preaching against the Catholic Church.

The king to all to whom, &c., greeting. Know ye that whereas lately the venerable Father William, archbishop of Canterbury, primate of all England, informed us by his petition, exhibited to us, that very many conclusions contrary to sacred doctrine, and notoriously redounding to the subversion of the Catholic faith and the Holy Church and his province, in divers places within the province aforesaid,

have been openly and publicly, yet damnably, preached, of which conclusions some were by sentence, and wholesomely, declared [and] condemned as heresies, but others as errors, by the Church, good and mature deliberation being first had thereon by the common counsel of the archbishop himself, and of very many of his suffragans, doctors of theology, and other clerks learned in the Holy Scriptures. Whereupon we—supplication being made to us by the same archbishop, that we would deign to stretch forth the arm of our royal power for the due restraint and punishment of those who with an obstinate mind should henceforth wish to preach or maintain the conclusions aforesaid—being moved by zeal for the Catholic faith, of which we are and wish to be defenders in all things as we are bound, being unwilling in any wise to tolerate such heresies or errors springing up, have within the limit of our power granted authority and licence by our letters patent to the archbishop aforesaid and his suffragans, to arrest all and singular those who should wish secretly or openly to preach or maintain the aforesaid conclusions so condemned, wherever they may be found, and commit them, at pleasure, to their own prisons or [to the prisons] of others, to be kept in the same until they repent of the wickedness of their errors and heresies, or [until] it be otherwise provided, concerning such arrested persons by us or our counsel. We now, from zeal for the same faith, willing to provide for the restraint and due punishment of all those who would perchance preach or maintain henceforth the aforesaid conclusions or any others whatsoever containing heresy or error within the province of York, do grant and commit like authority and licence to the venerable Father Alexander, archbishop of York, and each of his suffragans throughout their dioceses, by the tenor of the presents, specially commanding thereupon and enjoining all and singular our liege ministers and subjects, of whatsoever estate or condition they may be, who are held 1384.

1384. to us by faith and allegiance, that they do not favour, counsel, or aid in any manner the maintainers or preachers of such conclusions so condemned, or their households, under forfeiture of all things which can be forfeited in that event, but obey, be obedient to, and intendent upon the aforenamed Archbishop of York and his suffragans and ministers in the execution of the presents; so that, without disturbance, due and open publication may be made against such conclusions and their maintainers, in order that the defence of the Catholic faith may be better established. In witness whereof &c. Witness the king at Westminster on the 8th of December.

XXXIX.

THE SECOND STATUTE OF PROVISORS, A. D. 1390.

13 Richard II, stat. 2.

1390. The injustice of provision had been admitted as early as the days of Grosseteste (A. D. 1247), who procured an admission from Pope Innocent IV. A remonstrance against the practice is heard of in the year 1343 (Walsingham, i. 254–258). In 1351 a statute was made forbidding the practice. In 1390 the following Act was passed, which recites, in full, the statute of 1351, and contains additional safeguards against provision. In 1391, a proposal, supported by the king and the Duke of Lancaster, to repeal this statute was rejected by Parliament (Stubbs, *Const. Hist.* ii. 506; iii. 324).

[Tr. Statutes of the Realm, ii. 69.]

Effect of the Statute of Provisors of 25 Edw. III.

Item, whereas the noble King Edward, grandfather of our lord the king that now is, at his Parliament holden at Westminster on the Octave of the Purification of our Lady, the five-and-twentieth year of his reign, caused to be rehearsed the statute made at Carlisle in the time of King Edward, son of King Henry, touching the estate of the

Holy Church of England; the said grandfather of the king that now is, by the assent of the great men of his realm, being in the same Parliament, holden the said five and-twentieth year, to the honour of God and of Holy Church, and of all his realm, did ordain and establish, that the free elections to archbishoprics, bishoprics, and all other dignities and benefices elective in England, should hold from thenceforth in the manner as they were granted by his progenitors, and by the ancestors of other lords, founders; and that all prelates and other people of Holy Church, which had advowsons of any benefices of the gift of the king, or of his progenitors, or of other lords and donors, should freely have their collations and presentments; and thereupon a certain punishment was ordained in the same statute for those who accept any benefice or dignity contrary to the said statute made at Westminster the said twenty-fifth year, as is aforesaid; which statute our lord the king has caused to be recited in this present Parliament at the request of his Commons in the same Parliament, the tenor whereof is such as hereafter follows: 1390.

Tenor of the said statute.

Whereas of late in the Parliament of Edward of good memory, king of England, grandfather of our lord the king that now is, in the twenty-fifth year of his reign, holden at Carlisle, the petition heard, put before the said grandfather and his council in the said Parliament by the commonalty of the said realm, containing: That whereas the Holy Church of England was founded [*founde*] in the estate of prelacy, within the realm of England, by the said grandfather and his progenitors, and the earls, barons, and other nobles of his said realm, and their ancestors, to inform them and the people of the law of God, and to make hospitalities, alms, and other works of charity, in the places where the churches were founded [*fonduz, foundes*], for the souls of the founders, their heirs, and all Christians; and certain possessions, as well in fees, lands, rents, as in advowsons, which extend to

Recital of proceedings in Parliament, 35 Edw. I.

Origin and purpose of religious foundations.

1390. a great value, were assigned by the said founders [*foundors*] to the prelates and other people of the Holy Church of the said realm, to sustain the same charge, and especially of the possessions which were assigned to archbishops, bishops, abbots, priors, religious, and all other people of Holy Church, by the kings of the said realm, earls, barons, and other great men of his realm; the same kings, earls, barons, and other nobles, as lords and advowees, have had and ought to have the custody of such voidances, and the presentments and the collations of the benefices being of such prelacies.

Voidances and presentments to benefices.

The Pope bestows English benefices on aliens.

And the said kings in times past were wont to have the greatest part of their council, for the safeguard of the realm, when they had need, of such prelates and clerks so advanced; the pope of Rome, accroaching [*accrochant*] to him the seignories of such possessions and benefices, does give and grant the same benefices to aliens, who never dwelt in England, and to cardinals, who could not dwell here, and to others as well aliens as denizens, as if he had been patron or advowee of the said dignities and benefices, as he was not of right by the law of England; whereby if these should be suffered, there would scarcely be any benefice within a short time in the said realm, but that it should be in the hands of aliens and denizens by virtue of such provisions, against the good will and disposition of the founders of the same benefices; and so the elections of archbishops, bishops, and other religious should fail, and the alms, hospitalities, and other works of charity, which should be done in the said places, should be withdrawn, the said grandfather, and other lay-patrons, in the time of such voidances, should lose their presentments, the said council should perish, and goods without number should be carried out of the realm, to the annulling of the estate of the Holy Church of England, and disherison of the said grandfather, and the earls, barons, and other nobles of the said realm, and in offence and destruction of the laws and rights of his realm, and to the

Inconveniences ensuing.

great damage of his people, and in subversion of all the estate of all his said realm, and against the good disposition and will of the first founders, by the assent of the earls, barons, and other nobles, and of all the said commonalty, at their instant request, the damage and grievances aforesaid being considered in the said full Parliament, it was provided, ordained, and established, that the said oppressions, grievances, and damages in the same realm from henceforth should not be suffered in any manner. 1390. Provision against it in Parliament of 35 Edw. I

And now it is shown to our lord the king in this present Parliament holden at Westminster, on the Octave of the Purification of Our Lady, the five-and-twentieth year of his reign of England, and the twelfth of France, by the grievous complaint of all the commons of his realm, that the grievances and mischiefs aforesaid do daily abound, to the greater damage and destruction of all the realm of England, more than ever were before, viz. that now anew our holy father the pope, by procurement of clerks and otherwise, has reserved, and does daily reserve to his collation generally and especially, as well archbishoprics, bishoprics, abbeys, and priories, as all other dignities and other benefices of England, which are of the advowson of people of Holy Church, and gives the same as well to aliens as to denizens, and takes of all such benefices the first-fruits, and many other profits, and a great part of the treasure of the said realm is carried away and dispended out of the realm, by the purchasers of such graces aforesaid; and also by such privy reservations, many clerks, advanced in this realm by their true patrons, which have peaceably holden their advancements by long time, are suddenly put out; whereupon the said Commons have prayed our said lord the king, that since the right of the crown of England, and the law of the said realm is such, that upon the mischiefs and damages which happen to his realm, he ought, and is bound by his oath, with the accord of his people in his Parliament thereof, to make The pope grants benefices, and reserves the first-fruits to himself.

1390. remedy and law, for the removing of the mischiefs and damages which thereof ensue, that it may please him to ordain remedy therefor.

The causes and reasons of making this present statute.

Our lord the king, seeing the mischiefs and damages before mentioned, and having regard to the said statute made in the time of his said grandfather, and to the causes contained in the same; which statute holds always its force, and was never defeated, repealed, nor annulled in any point, and insomuch as he is bound by his oath to cause the same to be kept as the law of his realm, though that by sufferance and negligence it has been since attempted to the contrary; also having regard to the grievous complaints made to him by his people in divers his Parliaments holden heretofore, willing to ordain remedy for the great damages and mischiefs which have happened, and daily do happen to the Church of England by the said cause; by the assent of all the great men and the commonalty of the said realm, to the honour of God, and profit of the said Church of England, and of all his realm, has ordered and established: that the free elections of archbishops, bishops, and all other dignities and benefices elective in England, shall hold from henceforth in the manner as they were granted by the king's progenitors, and the ancestors of other lords, founders.

Elections of the dignities of the Church shall be free, as they were founded.

Collations and presentations shall be free.

And that all prelates and other people of Holy Church, which have advowsons of any benefices of the king's gift, or of any of his progenitors, or of other lords and donors, to do divine service, and other charges thereof ordained, shall have their collations and presentments freely to the same, in the manner as they were enfeoffed by their donors. And in case that reservation, collation, or provision be made by the court of Rome, to any archbishopric, bishopric, dignity, or other benefice, in disturbance of the free elections, collations, or presentations aforenamed, that, at the same time of the voidance, as such reservations, collations, and

Where the pope provides the king shall present.

provisions ought to take effect, our lord the king and his heirs shall have and enjoy, for the same time, the collations to the archbishoprics, bishoprics, and other dignities elective, which be of his advowson, such as his progenitors had before that free election was granted; seeing that the election was first granted by the king's progenitors upon a certain form and condition, as to demand licence of the king to choose, and after the election to have his royal assent, and not in other manner. Which conditions not being kept, the thing ought by reason to resort to its first nature. 1390.

So in cases of provision to religious houses or to benefices of the advowson of the clergy.

And if any such reservation, provision, or collation be made of any house of religion of the king's advowson, in disturbance of free election, our sovereign lord the king, and his heirs, shall have, for that time, the collation to give this dignity to a convenient person. And in case that collation, reservation, or provision be made by the court of Rome to any church, prebend, or other benefice, which is of the advowson of people of Holy Church, whereof the king is advowee paramount immediate, that at the same time of the voidance, at which time the collation, reservation, or provision ought to take effect as is aforesaid, the king and his heirs shall thereof have the presentation or collation for that time—and so from time to time, whensoever such people of Holy Church shall be disturbed of their presentments or collations by such reservations, collations, or provisions, as is aforesaid. Saving to them the right of their advowsons and their presentments, when no collation or provision by the Court of Rome is made thereof, or where that the said people of Holy Church shall or will, to the same benefices, present or make collation; and that their presentees may enjoy the effect of their collations or presentments. And in the same manner every other lord, of what condition he be, shall have the collations or presentments to the houses of religion which are of his advowson, and

Saving when there is no provision or when the parties themselves present.

1390. other benefices of Holy Church which pertain to the same houses. And if such advowees do not present to such benefices within the half-year after such voidances, nor the bishop of the place give the same by lapse of time within a month after half a year, that then the king shall have thereof the presentments and collations, as he has of others of his own advowson demesne.

Presentation by king in default of patrons.

Penalty for disturbance by provisors.

And in case that the presentees of the king—or the presentees of other patrons of Holy Church, or of their advowees, or they to whom the king, or such patrons or advowees aforesaid, have given benefices pertaining to their presentments or collations—be disturbed by such provisors, so that they may not have possession of such benefices by virtue of the presentments or collations to them made, or that they which are in possession of such benefices be impeached upon their said possessions by such provisors, then the said provisors, their procurators, executors, and notaries, shall be attached by their bodies, and brought in to answer; and if they be convicted, they shall abide in prison without being let to mainprize or bail, or otherwise delivered, till they have made fine and ransom to the king at his will, and satisfaction to the party that shall feel himself grieved.

Imprisonment on conviction.

Surety against further attempts.

And nevertheless before that they be delivered, they shall make full renunciation, and find sufficient surety that they will not attempt such things in time to come, nor sue any process by themselves, nor by others, against any man in the said court of Rome, nor in any part elsewhere, for any such imprisonments or renunciations, nor any other thing depending of them. And in case that such provisors, procurators, executors, or notaries be not found, that the exigent shall run against them by due process, and that writs shall go forth to take their bodies wherever they be found, as well at the king's suit, as at the suit of the party.

Outlawry.

The king shall take

And that in the meantime the king shall have the profits

of such benefices so occupied by such provisors, except abbeys, priories, and other houses, which have colleges or convents, and in such houses the colleges or convents shall have the profits; saving always to our lord the king, and to all other lords, their old right. 1390. the profits meanwhile.

And this statute shall hold good as well as to reservations, collations, and provisions made and granted in times past against all them which have not yet obtained corporal possession of the benefices granted to them by the same reservations, collations, and provisions, as against all others in time to come. And this statute ought to hold place and to begin at the said octave. Date at which the statute 25 Edw. III, here recited, was to commence.

Our lord the king that now is, with the assent of the great men of his realm, being in this present Parliament, has ordained and established, that for all archbishoprics, bishoprics, and other dignities and benefices elective, and all other benefices of Holy Church, which began to be void in deed the twenty-ninth day of January, the thirteenth year of the reign of our lord King Richard that now is, or after, or which shall be void in time to come within the realm of England, the said statute, made the said twenty-fifth year, shall be firmly held for ever, and put in due execution from time to time in all manner of points. And if any do accept a benefice of Holy Church contrary to this statute, and that duly proved, and be beyond the sea, he shall abide exiled and banished out of the realm for ever, and his lands and tenements, goods and chattels shall be forfeited to the king; and if he be within the realm, he shall be also exiled and banished, as is aforesaid, and shall incur the same forfeiture, and take his way, so that he be out of the realm within six weeks next after such acceptation. And if any receive any such person banished coming from beyond the sea, or being within the realm after the said six weeks, having knowledge thereof, he shall be also exiled and banished, and incur such forfeiture as is aforesaid. And that their For all benefices void after 29 Jan. 13 Rich. II, the said statute shall be put in execution. Banishment of those who accept benefices contrary to this statute. The punishment of the receivers, procurators, &c., of offenders.

1390. procurators, notaries, executors, and summoners have the pain and forfeiture aforesaid.

Saving of beneficed persons, to whom the pope has given dignities of the Church.

Provided nevertheless, that all they for whom the pope, or his predecessors, have provided any archbishopric, bishopric, or other dignity, or other benefices of Holy Church, of the patronage of people of Holy Church, in respect of any voidance before the said twenty-ninth day of January, and thereof were in actual possession before the same twenty-ninth day, shall have and enjoy the said archbishoprics, bishoprics, dignities, and other benefices peaceably for their lives, notwithstanding the statutes and ordinances aforesaid. And if the king send by letter, or in other manner, to the court of Rome, at the entreaty of any person, or if any other send or sue to the same court, whereby anything is done contrary to this statute, touching any archbishopric, bishopric, dignity, or other benefice of Holy Church within the said realm, if he that makes such motion or suit be a prelate of Holy Church, he shall pay to the king the value of his temporalties for one year; and if he be a temporal lord, he shall pay to the king the value of his lands and possessions not moveable for one year; and if he be another person of a more mean estate, he shall pay to the king the value of the benefice for which suit is made, and shall be imprisoned for one year.

The penalty of suing at Rome to infringe the purport of this statute.

Saving as to benefices void on, but collated, before the day named.

And it is the intent of this statute, that of all dignities and benefices of Holy Church, which were void in deed the said twenty-ninth day of January, which are given, or to which it is provided by the apostolic [see] before the same twenty-ninth day, that they to whom such gifts or provisions be made, may freely, of such gifts and provisions, sue execution without offence of this statute. Provided always, that of no dignity or benefice which was full the said twenty-ninth day of January, shall any man, because of any collation, gift, reservation, and provision, or other grace of the apostolic [see], not executed before the said twenty-ninth

day, sue thereof execution, upon the pains and forfeitures contained in this present statute. 1390.

Also, it is ordained and established, that if any man bring or send within the realm, or the king's power, any summons, sentences, or excommunications, against any person, of what condition soever he be, for the cause of making motion, assent, or execution of the said Statute of Provisors, he shall be taken, arrested, and put in prison, and forfeit all his lands and tenements, goods and chattels for ever, and incur the pain of life and of member. And if any prelate make execution of such summons, sentences, or excommunications, that his temporalties be taken and abide in the king's hands, till due redress and correction be thereof made. And if any person of less estate than a prelate, of what condition soever he be, make such execution, he shall be taken, arrested, and put in prison, and have imprisonment, and make fine and ransom at the discretion of the council of our said lord the king.

Penalty for bringing summons, sentence, &c., against any person upon the Statute of Provisors.

The penalty of a prelate executing the sentence, &c.

[*The King's Writ directing proclamation of the Statute.*]

The King to the Sheriff of Kent, greeting. We command you, firmly enjoining, that without delay you cause to be read and on our behalf publicly proclaimed and to be firmly kept and observed according to the form of the statutes and ordinances aforesaid, certain statutes and ordinances by us, with the assent of the nobles and commonalty of our realm of England, made in our last Parliament holden at Westminster, which we send you under our great seal in open form, within your county, in places where it may be most expedient. And this under instant peril you shall in no wise omit. Witness the king at Westminster the fifteenth day of May. The like writs were directed to the several sheriffs throughout England.

XL.

THE SECOND STATUTE OF PRÆMUNIRE, A. D. 1393.

16 RICHARD II, CAP. 5.

1393. AFTER the first Act of Præmunire of 1353 (*ante*, No. XXXV), an Act was passed, in 1365, confirming the Statute of Provisors (*ante*, p. 102, *note*), bringing suitors in the papal courts within the Act of Præmunire. The following Act, passed in 1393, amplified the previous Act of Præmunire.

[Tr. Statutes of the Realm, ii. 84.]

The Commons petition that recovery of presentations lies in king's court.

Item, whereas the Commons of the realm in this present Parliament have showed to our redoubtable lord the king, grievously complaining, that whereas the said our lord the king, and all his liege people, ought of right, and of old time were wont, to sue in the king's court, to recover their presentments to churches, prebends, and other benefices of Holy Church, to the which they had right to present, the cognizance of plea, of which presentment belongs only to the king's court of the old right of his crown, used and approved in the time of all his progenitors kings of England; and when judgment shall be given in the same court upon such a plea and presentment, the archbishops, bishops, and other spiritual persons which have institution to such benefice within their jurisdiction, are bound, and have made execution of such judgments by the king's commandment by all the time aforesaid without interruption (for another lay person cannot make such execution), and also are bound of right to make execution of many other of the king's commandments, of which right the crown of England has been peaceably seized, as well in the time of our said

On judgment there given, spiritual persons must make institution conformably thereto.

Spiritual persons must execute

lord the king that now is, as in the time of all his progenitors till this day: 1393.

the king's commands.

But now of late divers processes are made by the holy father the pope, and censures of excommunication upon certain bishops of England, because they have made execution of such commandments, to the open disherison of the said crown and destruction of our said lord the king, his law, and all his realm, if remedy be not provided.

The pope has lately excommunicated for executing such sentences.

And also it is said, and a common clamour is made, that the said holy father the pope has ordained and purposed to translate some prelates of the same realm, some out of the realm, and some from one bishopric to another within the same realm, without the king's assent and knowledge, and without the assent of the prelates, which so shall be translated, which prelates be much profitable and necessary to our said lord the king, and to all his realm; by which translations, if they should be suffered, the statutes of the realm would be defeated and made void; and his said liege sages of his council, without his assent, and against his will, carried away and gotten out of his realm, and the substance and treasure of the realm shall be carried away, and so the realm be destitute as well of council as of substance, to the final destruction of the same realm; and so the crown of England, which has been so free at all times, that it has been in no earthly subjection, but immediately subject to God in all things touching the royalty of the same crown, and to none other, should be submitted to the pope, and the laws and statutes of the realm by him defeated and avoided at his will, to the perpetual destruction of the sovereignty of our lord the king, his crown, and his royalty, and of all his realm, which God defend.

The pope contemplates translation of prelates without their, or the king's, consent.

Such translation illegal and may leave the realm destitute of council and substance, and make the crown of England —subject only to God— subject to the pope.

And moreover, the Commons aforesaid say, that the said things so attempted are clearly against the king's crown and his royalty, used and approved from the time of all his progenitors; wherefore they and all the liege commons of the

The Commons promise to assist the king in de-

1393. same realm will stand with our said lord the king, and his
fence of his liberties, said crown and his royalty, in the cases aforesaid, and in all other cases attempted against him, his crown, and his royalty in all points, to live and to die.

and pray him to consult Parliament how to resist such usurpation. And moreover they pray the king, and require him by way of justice, that he would examine all the lords in the Parliament, as well spiritual as temporal, severally, and all the estates of the Parliament, how they think of the cases aforesaid, which be so openly against the king's crown, and in derogation of his royalty, and how they will stand in the same cases with our lord the king, in upholding the rights of the said crown and royalty.

Answer of the Lords temporal: they will support the king. Whereupon the Lords temporal so demanded, have answered every one by himself, that the cases aforesaid are clearly in derogation of the king's crown, and of his royalty, as it is well known, and has been for a long time known, and that they will be with the same crown and royalty in these cases specially, and in all other cases which shall be attempted against the same crown and royalty in all points with all their power.

The Lords spiritual: they will neither affirm nor deny the pope's power to excommunicate or translate. And moreover it was demanded of the Lords spiritual there being, and the procurators of others being absent, their advice and will in all these cases; which lords, that is to say, the archbishops, bishops, and other prelates—being in the said Parliament severally examined, making protestations that it is not their mind to deny nor affirm that our holy father the pope may not excommunicate bishops, nor that he may make translation of prelates after the law of Holy Church—answered and said, that if any executions of processes made in the king's court, as before were made, by any, and censures of excommunications be made against any bishops of England, or any other of the king's liege people, for that they have made execution of such commandments; and that if any executions of such translations be made of any prelates of the same realm, which prelates be very

But they say that the same is against the king's crown and dignity.

profitable and necessary to our said lord the king, and to his said realm, or that the sage people of his council, without his assent, and against his will, be removed and carried out of the realm, so that the substance and treasure of the realm may be consumed,—that the same is against the king and his crown, as it is contained in the petition before named. 1393.

The proctors of absent prelates answer for their principals in similar strain.

And likewise the same procurators, every one by himself examined upon the said matters, have answered and said in the name of and for their lords, as the said bishops have said and answered, and that the said Lords spiritual will and ought to be with the king in these cases in lawfully maintaining his crown, and in all other cases touching his crown and his royalty, as they are bound by their allegiance;

Therefore enacted that all persons, acting as in the complaint aforesaid, be proceeded against by Præmunire.

Whereupon our said lord the king, by the assent aforesaid, and at the request of his said Commons, has ordained and established, that if any purchase or pursue, or cause to be purchased or pursued, in the court of Rome, or elsewhere, any such translations, processes, and sentences of excommunication, bulls, instruments, or any other things whatsoever, which touch our lord the king, against him, his crown, and his royalty, or his realm, as is aforesaid, and they which bring [the same] within the realm, or receive them, or make thereof notification, or any other execution whatsoever within the same realm or without, that they, their notaries, procurators, maintainers, abettors, favourers, and counsellors, shall be put out of the king's protection, and their lands and tenements, goods and chattels, forfeited to our lord the king; and that they be attached by their bodies, if they may be found, and brought before the king and his council, there to answer to the cases aforesaid, or that process be made against them by *Præmunire facias*, in manner as it is ordained in other statutes concerning provisors, and others who sue, in any other court, in derogation of the royalty of our lord the king

XLI.

THE LOLLARD CONCLUSIONS, A. D. 1394.

1394. THESE conclusions are said to have been presented in full parliament by the Lollards in a little book about the year 1394; they are printed in the *Fasciculi Zizaniorum*, in the Master of the Rolls Series, and Canon Shirley, the editor, after collation of the existing texts of the Conclusions, describes them as in some places unintelligible (*Fasc. Ziz.* Introd. p. lxxix). Foxe has translated them in his *Acts and Monuments*, iii. 203, from a source not specified.

[Tr. *Fasciculi Zizaniorum*, Rolls Series, pp. 360–369. *Cf.* Wilkins, iii. 221.]

1. Endowments have ruined all true virtue.

1. That when the Church of England began to go mad after temporalities, like its great step-mother the Roman Church, and churches were authorized by appropriation in divers places, faith, hope, and charity began to flee from our Church, because pride, with its doleful progeny of mortal sins, claimed this under title of truth. This conclusion is general, and proved by experience, custom, and manner or fashion, as you shall afterwards hear.

2. The priesthood now conferred is from Rome and not from Christ.

2. That our usual priesthood which began in Rome, pretended to be of power more lofty than the angels, is not that priesthood which Christ ordained for His apostles. This conclusion is proved because the Roman priesthood is bestowed with signs, rites, and pontifical blessings, of small virtue, nowhere exemplified in Holy Scripture, because the bishop's ordinal and the New Testament scarcely agree, and we cannot see that the Holy Spirit, by reason of any such signs, confers the gift, for He and all His excellent gifts cannot consist in any one with mortal sin. A corollary to this is that it is a grievous play for wise men to see bishops trifle with the Holy Spirit in the bestowal of orders, because they give the tonsure in outward appearance in the

place of white hearts[1]; and this is the unrestrained introduction of antichrist into the Church to give colour to idleness. 1394.

3. That the law of continence enjoined to priests, which was first ordained to the prejudice of women, brings sodomy into all the Holy Church, but we excuse ourselves by the Bible because the decree says that we should not mention it, though suspected. Reason and experience prove this conclusion: reason, because the good living of ecclesiastics must have a natural outlet or worse; experience, because the secret proof of such men is that they find delight in women, and when thou hast proved such a man mark him well, because he is one of them. A corollary to this is that private religions and the originators or beginning of this sin would be specially worthy of being checked, but God of His power with regard to secret sin sends open vengeance in His Church. 3. Celibacy leads to grievous sin.

4. That the pretended miracle of the sacrament of bread drives all men, but a few, to idolatry, because they think that the Body of Christ which is never away from heaven could by power of the priest's word be enclosed essentially in a little bread which they show the people; but God grant that they might be willing to believe what the evangelical doctor says in his Trialogus (iv. 7), that the bread of the altar is habitually the Body of Christ, for we take it that in this way any faithful man and woman can by God's law perform the sacrament of that bread without any such miracle. A final corollary is that although the Body of Christ has been granted eternal joy, the service of Corpus Christi, instituted by Brother Thomas [Aquinas], is not true but is fictitious[2] and full of false miracles. It is no wonder; because Brother Thomas, at that time holding with the pope, would have been willing to perform a miracle 4. The pretended miracle of the Mass produces idolatry.

[1] The Latin runs 'loco alborum cervorum' = harts.

[2] 'pictum,' qy. 'fictum'; but the clause is corrupt.

1394. with a hen's egg; and we know well that any falsehood openly preached turns to the disgrace of Him who is always true and without any defect.

5. Exorcism and benediction of material things is mere jugglery.

5. That exorcisms and blessings performed over wine, bread, water and oil, salt, wax, and incense, the stones of the altar, and church walls, over clothing, mitre, cross, and pilgrims' staves, are the genuine performance of necromancy rather than of sacred theology. This conclusion is proved as follows, because by such exorcisms creatures are honoured as being of higher virtue than they are in their own nature, and we do not see any change in any creature which is so exorcized, save by false faith which is the principal characteristic of the Devil's art. A corollary: that if the book of exorcizing holy water, read in church, were entirely trustworthy we think truly that the holy water used in church would be the best medicine for all kinds of illnesses—sores, for instance; whereas we experience the contrary day by day.

6. No man should hold clerical and lay offices together.

6. That king and bishop in one person, prelate and judge in temporal causes, curate and officer in secular office, puts any kingdom beyond good rule. This conclusion is clearly proved because the temporal and spiritual are two halves of the entire Holy Church. And so he who has applied himself to one should not meddle with the other, for no one can serve two masters. It seems that hermaphrodite or ambidexter would be good names for such men of double estate. A corollary is that we, the procurators of God in this behalf, do petition before Parliament that all curates, as well superior as inferior, be fully excused and should occupy themselves with their own charge and no other.

7. Masses for the dead and houses of alms are on a wrong foundation.

7. That special prayers for the souls of the dead offered in our Church, preferring one before another in name, are a false foundation of alms, and for that reason all houses of alms in England have been wrongly founded. This conclusion is proved by two reasons: the one is that meritorious

prayer, and of any effect, ought to be a work proceeding from deep charity, and perfect charity leaves out no one, for 'Thou shalt love thy neighbour as thyself.' And so it is clear to us that the gift of temporal good bestowed on the priesthood and houses of alms is a special incentive to private prayer which is not far from simony. For another reason is that special prayer made for men condemned is very displeasing to God. And although it be doubtful, it is probable to faithful Christian people that founders of a house of alms have for their poisonous endowment passed over for the most part to the broad road. The corollary is: effectual prayer springing from perfect love would in general embrace all whom God would have saved, and would do away with that well-worn way or merchandise in special prayers made for the possessionary mendicants and other hired priests, who are a people of great burden to the whole realm, kept in idleness: for it has been proved in one book, which the king had, that a hundred houses of alms would suffice in all the realm, and from this would rather accrue possible profit to the temporal estate.

1394. A hundred houses would suffice.

8. That pilgrimages, prayers, and offerings made to blind crosses or roods, and to deaf images of wood or stone, are pretty well akin to idolatry and far from alms, and although these be forbidden and imaginary, a book of error to the lay folk, still the customary image of the Trinity is specially abominable. This conclusion God clearly proves, bidding alms to be done to the needy man because they are the image of God, and more like than wood or stone; for God did not say, 'let us make wood or stone in our likeness and image,' but man; because the supreme honour which clerks call *latria* appertains to the Godhead only; and the lower honour which clerks call *dulia* appertains to man and angel and to no inferior creature. A corollary is that the service of the cross, performed twice in any year in our church, is full of idolatry, for if that should, so might the nails and

8. Pilgrimages and offerings to images are idolatrous.

1394. lance be so highly honoured; then would the lips of Judas be relics indeed if any were able to possess them. But we ask you, pilgrim, to tell us when you offer to the bones of saints placed in a shrine in any spot, whether you relieve the saint who is in joy, or that almshouse which is so well endowed and for which men have been canonized, God knows how. And to speak more plainly, a faithful Christian supposes that the wounds of that noble man, whom men call St. Thomas, were not a case of martyrdom.

9. Auricular confession works great harm.

9. That auricular confession which is said to be so necessary to the salvation of a man, with its pretended power of absolution, exalts the arrogance of priests and gives them opportunity of other secret colloquies which we will not speak of; for both lords and ladies attest that, for fear of their confessors, they dare not speak the truth. And at the time of confession there is a ready occasion for assignation that is for 'wooing,' and other secret understandings leading to mortal sins. They themselves say that they are God's representatives to judge of every sin, to pardon and cleanse whomsoever they please. They say that they have the keys of heaven and of hell, and can excommunicate and bless, bind and loose, at their will, so much so that for a drink, or twelve pence, they will sell the blessing of heaven with charter and close warrant sealed with the common seal. This conclusion is so notorious that it needs not any proof. It is a corollary that the pope of Rome, who has given himself out as treasurer of the whole Church, having in charge that worthy jewel of Christ's passion together with the merits of all saints in heaven, whereby he grants pretended indulgence from penalty and guilt, is a treasurer almost devoid of charity, in that he can set free all that are prisoners in hell at his will, and cause that they should never come to that place. But in this any Christian can well see there is much secret falsehood hidden away in our Church.

1394.

10. That manslaughter in war, or by pretended law of justice for a temporal cause, without spiritual revelation, is expressly contrary to the New Testament, which indeed is the law of grace and full of mercies. This conclusion is openly proved by the examples of Christ's preaching here on earth, for he specially taught a man to love his enemies, and to show them pity, and not to slay them. The reason is this, that for the most part, when men fight, after the first blow, charity is broken. And whoever dies without charity goes the straight road to hell. And beyond this we know well that no clergyman can by Scripture or lawful reason remit the punishment of death for one mortal sin and not for another; but the law of mercy, which is the New Testament, prohibits all manner of manslaughter, for in the Gospel: 'It was said unto them of old time, Thou shalt not kill.' The corollary is that it is indeed robbery of poor folk when lords get indulgences from punishment and guilt for those who aid their army to kill a Christian people in distant lands for temporal gain, just as we too have seen soldiers who run into heathendom to get them a name for the slaughter of men; much more do they deserve ill thanks from the King of Peace, for by our humility and patience was the faith multiplied, and Christ Jesus hates and threatens men who fight and kill, when He says: 'He who smites with the sword shall perish by the sword.'

10. War is contrary to the New Testament.

11. That the vow of continence made in our Church by women who are frail and imperfect in nature, is the cause of bringing in the gravest horrible sins possible to human nature, because, although the killing of abortive children before they are baptized and the destruction of nature by drugs are vile sins, yet connexion with themselves or brute beasts or any creature not having life surpasses them in foulness to such an extent as that they should be punished with the pains of hell. The corollary is that, widows and such as take the veil and the ring, being delicately fed, we

11. Vows of chastity among women lead to sin.

1394. could wish that they were given in marriage, because we cannot excuse them from secret sins.

12. Unnecessary arts should be restrained.

12. That the abundance of unnecessary arts practised in our realm nourishes much sin in waste, profusion, and disguise. This, experience and reason prove in some measure, because nature is sufficient for a man's necessity with few arts. The corollary is that since St. Paul says: 'having food and raiment, let us be therewith content,' it seems to us that goldsmiths and armourers and all kinds of arts not necessary for a man, according to the apostle, should be destroyed for the increase of virtue; because although these two said arts were exceedingly necessary in the old law, the New Testament abolishes them and many others.

These conclusions are a brief summary only.

This is our embassy, which Christ has bidden us fulfil, very necessary for this time for several reasons. And although these matters are briefly noted here they are however set forth at large in another book, and many others besides, at length in our own language, and we wish that these were accessible to all Christian people. We ask God then of His supreme goodness to reform our Church, as being entirely out of joint, to the perfectness of its first beginning.

[*Foxe's translation of some contemporary verses added to the foregoing document.*]

Concluding verses.

The English nation doth lament of these vile men their sin,
Which Paul doth plainly signify by idols to begin.
But Gehazites full ingrate from sinful Simon sprung,
This to defend, though priests in name, make bulwarks great and strong.
Ye princes, therefore, whom to rule the people God hath placed
With justice' sword, why see ye not this evil great de faced?

XLII.

THE ACT 'DE HÆRETICO COMBURENDO,' A. D. 1401.

2 HENRY IV, CAP. 15.

LETTERS PATENT against the Lollards had been issued in 1382 and 1384 (*vide ante*, No. XXXVIII), but the following Act was the earliest step taken by Parliament to suppress Lollardy. The Act was expanded by 2 Henry V, Stat. 1, cap. 7, and repealed by 25 Henry VIII, cap. 14, 1 Edward VI, cap. 12; revived by 1 & 2 Philip and Mary, cap. 8 (*post*, No. LXXIII), and repealed by 1 Elizabeth, cap. 1 (*post*, No. LXXIX), and 29 Charles II, cap. 9. 1401.

[Tr. Statutes of the Realm, ii. 125.]

The Catholic faith observed by the king's progenitors and the rights and liberties of the English Church upheld by them.

Whereas it is showed to our sovereign lord the king on behalf of the prelates and clergy of his realm of England in this present Parliament, that although the Catholic faith, founded upon Christ, and by His apostles and the Holy Church sufficiently determined, declared, and approved, has been hitherto by good and holy and most noble progenitors of our sovereign lord the king in the said realm, amongst all the realms of the world, most devoutly observed, and the English Church by his said most noble progenitors and ancestors, to the honour of God and of the whole realm aforesaid, laudably endowed, and in her rights and liberties sustained, without that that the same faith or the said Church was hurt or grievously oppressed, or else disturbed by any perverse doctrine or wicked, heretical, or erroneous opinions:

The false doctrine of a new sect.

Yet nevertheless divers false and perverse people of a certain new sect, damnably thinking of the faith of the sacraments of the Church and the authority of the same, and, against the law of God and of the Church, usurping the office of preaching, do perversely and maliciously, in divers

1401. places within the said realm, under the colour of dissembled holiness, preach and teach in these days, openly and privily, divers new doctrines and wicked, heretical, and erroneous opinions, contrary to the same faith and blessed determinations of the Holy Church.

Means taken to spread this false doctrine.

And of such sect and wicked doctrine and opinions, they make unlawful conventicles and confederacies, they hold and exercise schools, they make and write books, they do wickedly instruct and inform people, and, as much as they may, excite and stir them to sedition and insurrection, and make great strife and division among the people, and do daily perpetrate and commit other enormities horrible to be heard, in subversion of the said Catholic faith and doctrine of the Holy Church, in diminution of God's honour, and also in destruction of the estate, rights, and liberties of the said English Church; by which sect and wicked and false preachings, doctrines, and opinions of the said false and perverse people, not only the greatest peril of souls, but also many more other hurts, slanders, and perils, which God forbid, might come to this realm, unless it be the more plentifully and speedily helped by the king's majesty in this behalf, namely:

Why the bishops, by their spiritual jurisdiction, cannot, without the king's aid, sufficiently correct this.

Whereas the diocesans of the said realm cannot by their jurisdiction spiritual, without aid of the said royal majesty, sufficiently correct the said false and perverse people, nor refrain their malice, because the said false and perverse people go from diocese to diocese, and will not appear before the said diocesans, but the same diocesans and their jurisdiction spiritual, and the keys of the church, with the censures of the same, do utterly disregard and despise, and so they continue and exercise their wicked preachings and doctrines, from day to day, to the utter destruction of all order and rule of right and reason.

The prelates and clergy and

Upon which novelties and excesses above rehearsed, the prelates and clergy aforesaid, and also the Commons of the

1401.

said realm being in the same Parliament, have prayed our sovereign lord the king, that his royal highness would vouchsafe in the said Parliament to provide a convenient remedy: the same our sovereign lord the king—graciously considering the premises, and also the laudable steps of his said most noble progenitors and ancestors, for the conservation of the said Catholic faith, and sustentation of God's honour, and also the safeguard of the estate, rights, and liberties of the said English Church, to the praise of God, and merit of our said sovereign lord the king, and prosperity and honour of all his said realm, and for the eschewing of such dissensions, divisions, hurts, slanders, and perils, in time to come, and that this wicked sect, preachings, doctrines, and opinions should from henceforth cease and be utterly destroyed—by the assent of the estates and other discreet men of the realm, being in the said Parliament, has granted, stablished, and ordained from henceforth firmly to be observed: That none within the said realm, or any other dominions, subject to his royal majesty, presume to preach, openly or privily, without the licence of the diocesan of the same place first required and obtained—curates in their own churches, and persons hitherto privileged, and others of the canon law granted, only except. And that none, from henceforth, preach, hold, teach, or instruct anything, openly or privily, or make or write any book contrary to the Catholic faith or determination of the Holy Church, nor that any of such sect and wicked doctrines and opinions shall make any conventicles, or in any wise hold or exercise schools. And also that none from henceforth in any wise favour such preacher, or maker of any such and the like conventicles, or holding or exercising schools, or making or writing such books, or so teaching, informing, or exciting the people, nor them, nor any of them, maintain or in any wise sustain.

Commons pray the king to provide a remedy.

The king and Parliament prohibit unlicensed preaching.

Except by curates in their own churches and persons hitherto privileged.

None to preach or write against the Catholic faith, or favour preachers or teachers against it.

And that all and singular having such books or any

All having heretical

1401. writings to deliver same, within forty days, to the diocesan. Persons suspected of owning same and not so delivering, to be arrested and proceeded against by canon law.

writings of such wicked doctrine and opinions, shall really, with effect, deliver, or cause to be delivered, all such books and writings to the diocesan of the same place within forty days from the time of the proclamation of this ordinance and statute. And if any person or persons, of whatsoever kind, estate, or condition he or they be, from henceforth do or attempt against the royal ordinance and statute aforesaid, in the premises or in any of them, or such books, in form aforesaid, do not deliver, then the diocesan of the same place, in his diocese, such person or persons, in this behalf defamed or evidently suspected, and every of them, may, by the authority of the said ordinance and statute, cause to be arrested, and under safe custody in his prisons to be detained, till he or they, of the articles laid to him or them in this behalf, canonically purge him or themselves, or else such wicked sect, preachings, doctrines, and heretical and erroneous opinions abjure, according as the laws of the Church do require; so that the said diocesan, by himself or his commissaries, do openly and judicially proceed against such persons so arrested and remaining under his safe custody to all effect of the law, and determine that same business, according to the canonical decrees, within three months after the said arrest, any lawful impediment ceasing.

Persons canonically convicted to be kept in prison or be delivered to the secular court.

And if any person, in any case above expressed, be, before the diocesan of the place, or his commissaries, canonically convicted, then the same diocesan may cause to be kept in his prison the said person so convicted according to the manner of his default, and after the quality of the offence, according and as long as to his discretion shall seem expedient, and moreover put the same person to pay a pecuniary fine to the lord the king, except in cases where he, according to the canonical decree, ought to be left to the secular court, according as the same fine shall seem competent to the diocesan, for the manner and quality of the offence, in which

case the same diocesan shall be bound to certify the king of the same fine in his exchequer by his letters patent sealed with his seal to the effect that such fine, by the king's authority, may be required and levied to his use of the goods of the same person so convicted. 1401.

Officers of secular courts to receive and publicly burn those convicted by the ecclesiastical courts of refusing to abjure their heresy, or of relapsing into it.

And if any person within the said realm and dominions, upon the said wicked preachings, doctrines, opinions, schools, and heretical and erroneous informations, or any of them, be, before the diocesan of the same place, or his commissaries, convicted by sentence, and the same wicked sect, preachings, doctrines and opinions, schools and informations, do refuse duly to abjure, or by the diocesan of the same place, or his commissaries, after abjuration made by the same person, be pronounced relapsed, so that according to the holy canons he ought to be left to the secular court, whereupon credence shall be given to the diocesan of the same place, or to his commissaries in this behalf—then the sheriff of the county of the same place, and the mayor and sheriff or sheriffs, or mayor and bailiffs of the city, town, or borough of the same county nearest to the same diocesan or the said commissaries, shall be personally present in preferring of such sentences, when they, by the same diocesan or his commissaries, shall be required: and they shall receive the same persons and every of them, after such sentence promulgated, and them, before the people, in a high place [*eminenti*] cause to be burnt, that such punishment may strike fear to the minds of others, whereby no such wicked doctrine and heretical and erroneous opinions, nor their authors and favourers in the said realm and dominions, against the Catholic faith, Christian law, and determination of the Holy Church be sustained (which God forbid), or in any wise suffered. In which all and singular the premises concerning the said ordinance and statute, the sheriffs, mayors, and bailiffs of the said counties, cities, boroughs, and towns shall be attending, aiding, and supporting, to the said diocesan and his commissaries.

XLIII.

THE ROYAL WRIT FOR THE BURNING OF SAWTRE, A. D. 1401.

1401. WHILST the Bill *De Hæretico* was before Parliament, and apparently before it became law, Convocation instituted proceedings against Sawtre. On February 24 he was degraded by that assembly, and on February 26 the following royal writ was issued for his execution.

[Tr. Close Roll, 2 Hen. IV, pt. 1. m. 6.]

Sawtre, having been condemned in a provincial council,

The king to the mayor and sheriffs of London, greeting. Whereas the venerable father Thomas, archbishop of Canterbury, primate of all England, and legate of the Apostolic See, with the consent and assent and advice of his fellow-bishops [*co-episcoporum*] and suffragan brethren [*confratrum suffraganeorum*], and also of all the clergy of his province, in his provincial council assembled, the order of his right in this respect required having been duly observed in all particulars, has by his definitive sentence pronounced and declared William Sawtre, formerly chaplain—who was condemned for heresy, and who aforetime abjured, in form of law, and has [now] relapsed unto the aforesaid heresy—to be a manifest heretic, and decreed that he should be degraded, and for that cause has actually [*realiter*] degraded him from all his position and clerical privilege, and has decreed that the same William be left to the secular court, and has actually left him according to the laws and canonical sanctions enacted in that behalf, and Holy Mother Church has nothing further to do in the premises: We therefore—zealous for justice and a cherisher of the Catholic faith, willing to maintain and defend Holy Church, and the rights and liberties of the same, and to extirpate radically such heresies and errors from our kingdom of England, as much as in us lies, and to punish with

and having abjured and again relapsed,

condign chastisement heretics so convicted, and considering that such heretics so convicted and condemned in the form aforesaid ought to be burnt in the flames, according to law divine and human, and the canonical institutes customary in that behalf—as straitly as we are able, firmly enjoining, command you that the aforesaid William, being in your custody, be committed to the fire in any public and open place, within the liberty of the city aforesaid, by reason of the premises, and that you cause him to be actually [*realiter*] burnt in the same fire, in detestation of such crime, and to the manifest example of other Christians; and this you shall in no wise omit under instant peril. Witness ourself at Westminster the 26th day of February. 1401. is to be burnt in any public open place within the city, as an example to others.

By the king himself and the council in Parliament.

XLIV.

REMONSTRANCE AGAINST THE LEGATINE POWERS OF CARDINAL BEAUFORT,

A. D. 1428.

1428. THE following document, referring to an objection taken against the legatine powers of Cardinal Beaufort, is printed by Foxe (*Acts and Monuments*, iii. p. 719). It bears internal marks of genuineness, *e. g.* the name of the clerk of the council. Foxe obtained it from an old book in the possession of a certain Master Bowyer.

[Tr. Foxe as above.]

In the name of God, Amen. By the present public instrument let it clearly appear to all that in the year of our Lord 1428–9, in the seventh indiction, in the pontificate of our holy father in Christ and lord, the lord Martin, &c., I, Richard Caudry[1], proctor, and under proctorial commission of the most Christian prince the lord Henry, by the Richard Caudry, under commission and with assent of the Privy Council, declares

[1] Mentioned as clerk of council in 1423. Vide *Acts and Ordinances of the Privy Council.*

1428. grace of God king of England and France, and lord of Ireland, my supreme lord, with the assent also and advice of the illustrious and puissant prince Humphry, duke of Gloucester, earl of Pembroke, protector and defender of the kingdom of England and the English Church, and the rest, my lords of his highness' royal council, and doing his counsel and representing him in this behalf, do declare, allege, and set forth in these writings, that the said most Christian prince, my supreme lord, and his most renowned ancestors, kings of the said kingdom of England, as well by special privilege as by laudable and lawfully prescribed custom, peacefully and without let observed from time to time, of which the memory of man runneth not to the contrary, were and are sufficiently endowed and lawfully protected that no legate of the Apostolic See ought to come into their kingdom of England or other their lands and dominions, save at the bidding, asking, request, invitation, or entreaty of the king of England for the time being. And the said most Christian prince, my supreme lord, and his renowned ancestors, kings of England, have been and are in possession of the right and privilege and custom aforesaid without any interruption through all the whole time aforesaid, peacefully and quietly, the Roman pontiffs throughout all the time aforesaid knowing all and singular the premises, suffering and consenting to the same as well silently as expressly, and without any manner of possession as of right or fact of sending such legate, as is aforesaid, into the kingdom of England, or any other his lands and dominions, save at the bidding, asking, request, and entreaty of the king of England for the time being; and because the most reverend father in Christ and Doctor of Divinity, Henry, by the grace of God priest of St. Eusebius, cardinal of the Holy Roman See, asserting that he is legate, has, after the manner of a legate, using the insignia of apostolic dignity, without bidding, asking, request, invitation, or

that no legate should come unasked into the dominions of the king of England.

Wherefore the intrusion of Cardinal Beaufort so coming is here-

entreaty of the most Christian lord our king aforesaid, actually entered the renowned kingdom of England—therefore I openly protest, and by public commission in these writings and on behalf of the above and all the subjects of the same our lord the king, that it has not been and is not the intention of the afore-named most Christian prince, my supreme lord, and the said my lords of the council, to ratify by authority or approve, to the derogation of the laws, rights, customs, liberties, and privileges of the said our lord the king and the kingdom, the entrance of such the said most reverend father as legate into England, or in any wise at all to admit or recognize the same as legate of the Apostolic See in England, contrary to the laws, rights, customs, liberties, and privileges aforesaid, or any wise to consent to the exercise of his legation or any other or anything done or to be done, attempted or to be attempted, by the same as legate of the Apostolic See contrary to the premises, the laws, rights, customs, liberties, and privileges, but rather to dissent, and the said our lord the king does so dissent and the said my lords of the council dissent by the presents, &c.

1428. by protested against, nor must his claim be admitted, nor his acts be allowed.

[A.D. 1414. *The important and lengthy censure of Church irregularities sent by the University of Oxford to the king will be found in Wilkins, Concil.* iii. 360–365. *A summary is given by Archdeacon Perry*, i. 501.]

XLV.

ARCHBISHOP BOURCHIER'S COMMISSION FOR REFORMING THE CLERGY, A. D. 1455.

1455. THIS commission was issued by Abp. Bourchier in the year following his appointment to the primacy.

[Tr. Reg. Bourchier, fol. 4 b. *Cf.* Wilkins, iii. 573.]

Thomas, by Divine permission, &c., to our beloved in Christ, Master David Blodwell, our commissary general for

1455. Canterbury, greeting and benediction. The constant and noisy clamour of many, and public report, and the notoriety of the fact spreading it, it has now lately reached our ears, not without grievous bitterness of heart, that there are some within our diocese of Canterbury, under the profession of monastic observance, who have got possession of parish churches and their perpetual vicarages, under pretext of certain pretended apostolic letters, and having scorned and discarded their regular habit, or at all events contrary to the manner of their religion, abandon the same secretly under secular garb, some of whom also wear a habit of inconsistent fashion, and go about rashly and presumptuously, like secular priests, in no wise fearing the sentences of excommunication and irregularity passed in that behalf against such, but damnably incurring and contracting them do thus incur and contract them; and that there are some secular rectors and vicars too, who do not keep or perform residence in their benefices of this sort or hospitality, but neglecting and scorning the cures of souls to which they are bound, like vagabonds and profligates run about through the kingdom and apply themselves to worldly gain, to revellings moreover, to drinking bouts, and to wicked adulteries and fornications, and besides, spend their time on all manner of vices, and waste the property, goods, fruits, and revenues of their benefices of this sort, and vainly and uselessly consume them on forbidden and profane objects; the chancels of their churches, their houses, too, and buildings of their benefices of this sort they actually leave alone, notoriously suffering their notable and enormous decay as regards walls, roofs, &c., without repair, whilst they let out to laymen, without our licence or that of our officials, rightly required in this behalf, the fruits of the benefices of this sort, and let them to farm, and do not at all distribute amongst their poor a notable or indeed any share of such fruits. And there are priests, too, set within the same our

Certain monastic clergy have forgotten the obligations of their rule,

whilst some of the seculars are guilty of non-residence and careless living,

to the detriment of their vicarages and cures.

diocese, some supplying the place of curates and holding cure of souls, others keeping annual festivals, being strangers quite obscure and unknown, and not bringing with them commendatory or testimonial letters as to their conversation or orders. Some moreover of them are ignorant and unlearned, unskilled or almost destitute of letters, holding cure of souls within the same our diocese, not without grave peril and great danger to souls; some moreover there are, subjects and lieges of our diocese of Canterbury, driven on by some dark and obstinate error against God and the Church, who refuse and deny to pay tithes of their woods, trees, and faggots, and billets, alleging in defence of this their error, ancient custom, or more truly damnable corruption, for what is not tithed, or what is given as tithe being less than tithe, cannot be held by any custom at all. There are moreover certain of both sexes, men and women, who wander about from diocese to diocese, and betake themselves to our said diocese, and contrary to the prohibition of Divine law, and the enactments of the sacred canons, indulge in criminal and adulterous intercourse; whilst others, in like manner, men and women, under very ill-considered and mistaken influence, contract marriage clandestinely; whence it comes to pass that all sufficient proof failing in this behalf, and thus marrying perchance under the influence of a spirit of contradiction, and by the procurement of some enemy, they repudiate such contract although lawfully valid, yet lacking proper proof of such lawfulness, and hasten to second vows when they cannot lawfully, and contract illicit concubinage, and procreate bastard and adulterine children of the same. Further, in making wills, the same thing often happens, provided no witnesses have signed the same, so that it comes to pass that these same are often, through want of proof, wickedly altered, annulled, set aside, or made void. Whence it follows, of course, that very many crimes are daily com-

1455.

There are careless priests, too, who have no sufficient licence or learning.

There is slackness as to tithes on the part of some,

much moral mischief,

hasty and irregular marriage contracts,

and irregular making of wills.

1455. mitted by our people, to the contempt of God and holy religion; the dignity of the clergy is disgraced; the health of souls is dangerously neglected; the hope of the poor fails; whilst the duty of sacred hospitality is abandoned by ecclesiastics, amongst whom especially it ought to flourish; decay and all manner of ruin attack church buildings; church goods are vainly and uselessly spoiled and wasted; priests unlearned, untaught, unknown, and unrecognized, and oftentimes without orders, or suspended from fulfilling their orders, do by presumptuously administering sacraments and sacramentals, bring the souls of our subjects to ruin and captivity; many illicit and criminal concubinages, fornications, and adulteries are encouraged amongst our people; declarations of succession are set aside; and the last wills of testators are very often wickedly set aside, and made void. Wherefore we, desiring with what diligence we can to stop so many and great dangers, grant you, in whose fidelity and activity we have confidence in the Lord, full power duly to correct and reform such defects, crimes, and excesses, and [we grant you] the apostates, if you find any, to be punished by arrest of their bodies, as well as by imprisonment, and others, moreover, failing in the premises or any of the premises or notoriously tainted with any disgrace, so far as we are concerned, according to the demands of law, to be as well admonished or caused to be admonished by our authority; that whatever of either sex, both men and women, wish to contract marriage, or draw up testaments or their last wills, should, as they wish and hope such marriages and wills to have the effects due and desired, contract such marriages, to wit in the presence of two persons at least, whilst they draw up such last wills and have them read through or recited in the presence of their curate or his representative, and two or three witnesses. Given at Lambeth the 25th day of May in the year of our Lord 1455 and the first of our translation.

The evils resulting are notorious.

Hence a commission is given to correct and reform such irregularities.

XLVI.

THE PETITION OF THE COMMONS, A.D. 1532.

1532. This document is printed by Froude, *History of England*, i. 208, under the date 1529. The Petition really emanated from the Court, as is proved by the fact that there are, amongst the State Papers, four corrected drafts of it, the corrections in these being generally in the handwriting of Thomas Crumwell, who had been added to the Privy Council in 1531 (Introd. Calendar S. P. Henry VIII. v. xix.).

[Transcr. S. P. Henry VIII. v. No. 1016 (1–4[1]).]

To the King our Sovereign Lord.

Attention is called to the conduct of the ordinaries and their officers in relation to the suppression of various errors.

In most humble wise show unto your excellent highness and your most prudent wisdom, your faithful, loving, and most humble and obedient subjects the Commons in this your present Parliament assembled. Where of late, as well through new fantastical and erroneous opinions, grown by occasion of frantic, seditious, and overthwartly framed books compiled, imprinted, published, and made into the English tongue, contrary and against the very true Catholic and Christian faith, as also by the extreme and uncharitable behaviour and dealing of divers ordinaries, their commissaries and substitutes, which have heretofore had and yet have the examination in and upon the said errors and heretical opinions; much discord, variance, and debate has risen, and more and more daily is like to increase and ensue amongst the universal sort of your said subjects, as well spiritual and temporal, each against the other, in most uncharitable manner, to the great inquietation, vexation, and breach of your peace within this your most Catholic realm:

[1] The pages of this document are confused in binding.

1532. The special points complained of in the charge being:

The special particular griefs whereof, which most principally concern your said Commons and lay subjects, and which are, as they undoubtedly suppose, the very chief fountains, occasions, and causes that daily breed, foster, and nourish and maintain the said seditious factions and deadly hatred, and most uncharitable part-taking, either part and sort of said subjects spiritual and temporal against the other, hereafter followingly do ensue:—

1. The power of Convocation to frame canons and exact penalties without the consent of the laity.

I. First, where the prelates and spiritual ordinaries of this your most excellent realm of England, and the clergy of the same, have in their convocations heretofore made and caused to be made, and also daily do make, many divers fashions of laws, constitutions, and ordinances, without your knowledge or most royal assent, and without the assent and consent of any of your lay subjects; unto the which laws your said lay subjects have not only heretofore and daily be constrained to obey as well in their bodies, goods, and possessions, but also be compelled to incur daily into the censures of the same, and be continually put to importable charges and expenses, against all equity, right, and good conscience. And yet your said humble subjects nor their predecessors could ever be privy to the said laws; nor any of the said laws have been declared unto them in the English tongue, or otherwise published, by knowledge whereof they might have eschewed the penalties, dangers, or censures of the same; which laws so made your said most humble and obedient subjects, under the supportation of your majesty, suppose to be not only to the diminution and derogation of your imperial jurisdiction and prerogative royal, but also to the great prejudice, inquietation, and damage of your said subjects.

2. The proctors and delays of the Courts of Arches and Audience.

II. Also now where of late there has been devised by the most reverend father in God, William, archbishop of Canterbury, that in the courts which he calls his courts of the Arches and Audience, shall be but only ten proctors at his deputation,

which be sworn to preserve and promote the only jurisdiction of the said courts; by reason whereof, if any of your lay subjects should have any lawful cause against the judges of the said courts, or any doctors or proctors of the same, or any of their friends or adherents, they can nor may in any wise have indifferent counsel; and also all causes depending in any of the said courts may, by the confederacy of the said few proctors, be in such wise tracted and delayed, as your subjects suing in the same shall be put to importable charges, costs, and expense. And in case that any matter there being preferred should touch your crown, regal jurisdiction, and prerogative royal, yet the same shall not be disclosed by any of the said proctors for fear of loss of their offices. Wherefore your said most obedient subjects, under the protection of your majesty, suppose that your highness should have the nomination of some convenient number of proctors to be always attendant in the said Courts of the Arches and Audience, there to be sworn as well to the preferment of your jurisdiction and prerogative royal as to the expedition of all the causes of your lay subjects repairing and suing to the same. 1532.

III. And where also many of your said most humble and obedient subjects, and specially those that be of the poorest sort, within this your realm, be daily convented and called before the said spiritual ordinaries, their commissaries and substitutes, *ex officio*; sometimes, at the pleasure of the said ordinaries and substitutes, for malice without any cause; and sometimes—at the only promotion and accusement of their summoners and apparitors, being very light and indiscreet persons, without any lawful cause of accusation or credible fame proved against them, and without any presentment in the visitation—be inquieted, disturbed, vexed, troubled, and put to excessive and importable charges for them to bear, and many times be suspended and excommunicate for small light causes

3. Trivial and vexatious cases promoted by the ordinaries against the poorer sort of lay people.

1532. upon the only certificate of the proctors of the adversaries made under the feigned seal which every proctor has in his keeping; whereas the party suspended and excommunicated many times never had any warning; and yet when he shall be absolved, if it be out of court, he shall be compelled to pay to his own proctor twenty pence, to the proctor which is against him another twenty pence, and twenty pence to the scribe, besides a privy reward that the judge shall have, to the great impoverishing of your said poor lay subjects.

4. Excessive fees in spiritual courts.

IV. Also your said most humble and obedient subjects find themselves grieved with the great and excessive fees taken in the said spiritual courts, and specially in the said Courts of the Arches and Audience; where they take for every citation two shillings and sixpence; for every inhibition six shillings and eightpence; for every proxy sixteen pence; for every certificate sixteen pence; for every libel three shillings and fourpence; for every answer to any libel three shillings and fourpence; for every act, if it be but two words, to the registrar, fourpence; for every personal citation or decree three shillings and fourpence; for every sentence or judgment to the judge twenty-six shillings and eightpence; for every testimonial upon such sentence or judgment twenty-six shillings and eightpence: for every *significavit* twelve shillings; for every commission to examine witnesses twelve shillings; which is thought to be importable to be borne by your said subjects, and very necessary to be reformed.

5. Exactions by parish clergy for sacraments.

V. And where also the said prelates and ordinaries daily do permit and suffer the parsons, vicars, curates, parish priests, and other spiritual persons having cure of souls, within this your realm ministering, to exact and take of your humble and obedient subjects divers sums of money for the sacraments and sacramentals of Holy Church, sometimes denying the same without they be first

paid the said sums of money, which sacraments and sacramentals your said most humble and obedient subjects, under the protection of your highness, do suppose and think ought to be in most reverend, charitable, and godly wise freely ministered unto them at all times requisite, without denial or exaction of any manner sums of money to be demanded or asked for the same. 1532.

VI. And also where, in the spiritual court of the said prelates and ordinaries, be limited and appointed so many judges, scribes, apparitors, summoners, appraisers, and other ministers for the approbation of testaments, which coveting so much their own private lucres, and satisfaction of the appetites of the said prelates and ordinaries, that when any of your said loving subjects do repair to any of the said courts for the probate of any testaments, they do in such wise make long delays, or excessively take of them so large fees and rewards for the same, as is importable for them to bear, directly against all justice, law, equity, and good conscience. Wherefore your said most humble and obedient subjects do therefore, under your gracious correction and supportation, suppose it were very necessary that the said ordinaries, in the deputation of such judges, should be bound to appoint and assign such discreet, 'gravous,' and honest persons, having sufficient learning, wit, discretion, and understanding, and also being endued with such spiritual promotion, stipend, and salary, as they, being judges in their said courts, might and may minister, to every person repairing to the same, justice, without taking any manner fee or reward for any manner sentence or judgment to be given before them. 6. Delays and fees in probate of wills.

VII. And also whereas divers spiritual persons being presented as well by your highness and by other patrons within this your realm to divers benefices or other spiritual promotions, the said ordinaries and their ministers do not only take of them, for their letters of institution and induction, many great and large sums of money 7. Fees, firstfruits, and private arrangements at institution.

1532. and rewards; but also do pact and covenant with same, taking sure bonds for their indemnity to answer, to the said ordinaries, the firstfruits of the said benefices after their institution, so as they, being once presented or promoted as is aforesaid, be by the said ordinaries very uncharitably handled, to their no little hindrance and impoverishment, which your said subjects suppose not only to be against all laws, right, and good conscience, but also to be simony, and contrary to the laws of God.

8. Provision of infants to benefices by ordinaries.

VIII. And also whereas the said spiritual ordinaries do daily confer and give sundry benefices unto certain young folks, calling them their nephews or kinsfolk, being in their minority and within age, not apt nor able to serve the cure of any such benefice; whereby the said ordinaries do keep and detain the fruits and profits of the same benefices in their own hands, and thereby accumulate to themselves right great and large sums of money and yearly profits, to the most pernicious example of all your said lay subjects; and so the cures and other promotions given unto such infants be only employed to the enriching of the said ordinaries, and the poor silly souls of your people and subjects, which should be taught in the parishes given as aforesaid, for lack of good curates, do perish without doctrine or any good teaching.

9 The excessive number of holy days observed.

IX. And also where a great number of holy days which now at this present time, with very small devotion, be solemnized and kept throughout this your realm—upon the which many great, abominable, and execrable vices, idle and wanton sports, be used and exercised—which holy days, if it may stand with your gracious pleasure, and specially such as fall in the harvest, might, by your majesty, by the advice of your most honourable council, prelates, and ordinaries, be made fewer in number; and those that shall hereafter be ordained to stand and continue might and may be the more devoutly, religiously, and reverently observed, to the laud of Almighty God, and to the increase of your high honour and fame.

1532.

10 Vexatious examination and imprisonment of innocent people by the ordinaries.

X. And furthermore where the said spiritual ordinaries, their commissaries and substitutes, sometimes for their own pleasures, sometimes by the sinister procurement of other spiritual persons, use to make out process against divers of your said subjects, and thereby compel them to appear before themselves, to answer at certain day and place to such articles as by them shall be, of office afore themselves, then proposed, and that secretly and not in open places; and forthwith upon their appearance, without cause or any declaration then made or showed, commit and send them to ward, where they remain without bail or mainprize, sometimes for [half] a year, sometime a whole year and more, before they may in any wise know either the cause of their imprisonment or the name of their accuser; and finally, after their great costs and charges and expenses therein, when all is examined and nothing can be proved against them, but they clearly innocent for any fault or crime that can be laid unto them in that part, be set again at large without any recompence or amends in that behalf to be towards them adjudged.

11. Failure to obtain remedy in certain wrongful accusations.

XI. And also if percase upon the said process and appearance any party be, upon the said matter, cause, or examination brought forward and named, either as party or witness, and then, upon the proof and trial thereof, not able to prove and verify his said accusation or testimony, against the party so accused, to be true, then the person so causelessly accused is for the most part without any remedy for his charges and wrongful vexation, to be towards him adjudged and recovered.

12. Subtle and vexatious character of examination for heresy.

XII. Also upon the examination of the said accusation, if heresy be ordinarily laid unto the charge of the party so accused, then the said ordinaries or their ministers use to put to them such subtle interrogatories, concerning the high mysteries of our faith, as are able quickly to trap a simple, unlearned, or yet a well-witted layman without learning, and

1532. bring them by such sinister introduction soon to his own confusion. And forthwith, if there chance any heresy to be, by such subtle policy, by him confessed in words and yet never committed nor thought in deed, then put they, without further favour, the said person either to make his purgation, and so thereby to lose his honesty and credence for ever, or else, as some simple silly soul precisely standing to the clear testimony of his own well-known conscience, rather than to confess his innocent truth, to abide the extremity in that behalf, and so is utterly destroyed. And if it fortune the said party so accused to deny the said accusation, and so put his adversaries to prove the same untruly, forged, and imagined against him, then, for the most part, such witnesses as be brought forth for the same, be they but two in number, never so sore defamed, of little truth or credence, adversaries or enemies to the party, yet they shall be allowed and enabled only by discretion of the said ordinaries, their commissaries or substitutes; and there, upon sufficient cause, to proceed to judgment, to deliver the party so accused either to the secular hands after abjuration, without remedy, and afore, if he submit himself, to compel him, when best happeneth, to make his purgation and bear a faggot, to his extreme shame and undoing.

In consideration of the premises and disorders resulting, remedies are prayed for.

In consideration whereof, most gracious sovereign lord—and forasmuch as there is at this present time, and by a few years past has been, outrageous violence on the one part, and much default and lack of patient sufferance, charity, and good will on the other part—a marvellous disorder of the godly quiet, peace, and tranquillity that this your realm heretofore ever hitherto has been in, through your politic wisdom, in most honourable fame and catholic faith inviolably preserved; it may therefore, most benign sovereign lord, like your excellent goodness for the tender and universally indifferent zeal, benign love, and favour that your highness beareth towards both the said parties,

the said articles (if they shall be by your most clear and perfect judgment thought any instruments or causes of the said variance and disorder, or those and all other occasions whatsoever accounted by your highness to make towards the said factions) deeply and weightily, after your accustomed ways and manner, searched, weighed, and considered, graciously to provide (all violence on both sides utterly and clearly set apart) some such necessary and behoveful remedies as may effectually reconcile and bring in perpetual unity your said subjects, spiritual and temporal; and for the establishing thereof, to make and ordain, on both sides, such strait laws against the breakers, transgressors, and offenders as shall be too heavy, dangerous, and weighty for them or any of them to bear, suffer, and sustain. 1532.

Whereunto your said Commons most humbly, heartily, and entirely beseech your grace, as the only head, sovereign lord, protector, and defender of both the said parties, in whom and by whom the only and sole redress, reformation, and remedy herein absolutely rests and remains. By occasion whereof all your said Commons in their conscience surely account that, beside the marvellous fervent love that your highness shall thereby and (*sic*) engender in their hearts towards your grace, you shall do the most princely feat, and show the most honourable and charitable precedent and mirror that ever did sovereign lord upon his subjects; and therewithal merit and deserve of our merciful Lord eternal bliss, whose goodness grant your grace in most godly, princely, and honourable estate long to reign, prosper, and continue as the sovereign lord over all your said most humble and obedient subjects.

Compliance with the petition will produce much contentment.

XLVII.

THE ANSWER OF THE ORDINARIES, A. D. 1532.

1532. THE bishops' answer to the foregoing petition is here printed from a contemporary copy amongst the State Papers. Wilkins (iii. 750) prints a version with material omissions. Convocation being informed that this answer did not give satisfaction, drew up a second (Wilkins, iii. 753), maintaining the former position, but offering, in deference to the king, not to publish canons henceforth without his consent (S. P. Hen. VIII. v. 1018). Three drafts exist of a further compromise still offered by Convocation. They are printed and discussed in the Appendix to Atterbury's *Rights and Privileges of Convocation*, 534.

[Transcr. S. P. Henry VIII. v. No. 1016 (5).]

The ordinaries having read the Commons' petition, hereby make answer:

After our most humble wise, with our most bounden duty of honour and reverence to your excellent majesty, endued with God with incomparable wisdom and goodness. Please it the same to understand that we, your orators and daily bounden bedemen the ordinaries, have read and perused a certain supplication which the Commons of your grace's most honourable Parliament now assembled have offered up unto your highness, and by your grace's commandment delivered to us, to make answer thereunto. And as the time has served and permitted, we have, according to your highness's commandment, made thereunto this answer following, beseeching your grace's indifferent benignity graciously to hear the same. First, where in the said supplication it is induced, as for a preface, that much discord, variance, and debate has risen amongst your grace's subjects, spiritual and temporal, and more and more daily is like to increase and ensue, to the great unquietness and breach of your peace within this your grace's most Catholic realm, as well through new fantastical and erroneous opinions grown by occasion of seditious and overthwart framed books com-

Occasions of discord and want of charity are denied in general,

piled, imprinted, and made in English tongue in the parts beyond the sea, contrary and against the very true Catholic and Christian faith, as also by the uncharitable behaviour and dealing of divers ordinaries, their commissaries and substitutes, in the common and often vexation of your grace's said subjects in the spiritual courts, and also by other evil examples and misuses of spiritual persons. 1532.

To this we, your said orators and daily bounden bedesmen the ordinaries, answer, assuring your majesty that in our hearts and conscience there is no such discord, debate, variance, or breach of peace on our part against our brethren in God and ghostly children, your subjects, as is induced in this preface; but our daily prayer is and shall be that all unity, concord, and peace may increase among your grace's true and faithful subjects, our said ghostly children, whom, God be our witness, we love, have loved, and shall love ever with hearty affection; never intending any hurt or harm towards any of them in soul or body; and never enterprised anything against them of trouble, vexation, or displeasure; but only have, as we dare surely affirm, with all charity, exercised the spiritual jurisdiction of the Church, as we are bound of duty, upon certain evil-disposed persons infected and utterly corrupt with the pestilent poison of heresy; and to have had peace with such, had been against the gospel of our Saviour Christ, wherein He saith, *Non veni mittere pacem sed gladium.* Wherefore, forasmuch as we perceive and know right well that there be as well-disposed and as well-conscienced men of your grace's Commons, in no small number assembled, as ever we know at any time in Parliament; and with that consider how on our part there is given no such occasion why the whole number of the spiritualty and clergy should be thus noted unto your highness, omitting and leaving the conjectures of men, which though they be probable and in many's knowledge evident, yet they may and do sometime err; we humbling

but only heresy has been properly punished.

1532. our hearts to God and remitting the judgment of this our inquietation to Him, and trusting, as His Scripture teacheth us, that if we love Him above all, *omnia co-operabuntur in bonum*, we shall endeavour ourselves to declare unto your highness the innocency of us your poor orators, as far as the truth of God's word and learning of the Church with the sincerity of our acts and deeds will maintain the same, with this determination and purpose not to colour, by wordly (*sic*) reasons or many's wit, any our doings or proceedings, but to refer the truth to be defended by God and your highness, in whose virtue, learning, and Christian religion we never can doubt.

As regards detailed charges: The making of canons prejudicial to the statute law—the authority of Scripture and Church has not been contravened.

And where, after the general preface of the said supplication, your grace's Commons descend to special particular griefs, and first report that the clergy of this your realm, being your highness's subjects, in their convocations, by them holden within this your realm have made and daily make divers factions of laws concerning temporal things, and some of them be repugnant to the laws and statutes of your realm, not having nor requiring your most royal assent to the same laws so by them made, neither any assent or knowledge of your lay subjects is had to the same, neither to them published and known in their mother tongue, albeit divers and sundry of the said laws extend, in certain causes, to your excellent person, your liberty and prerogative royal, and to the interdiction of your lands and possessions, and so likewise to the goods and possessions of your lay subjects, declaring the infringers of them, so by them made, not only to incur into the terrible censures of excommunication, but also the detestable crime and sin of heresy, by the which divers of your most humble and obedient lay subjects be brought into this ambiguity, whether they may do and execute your laws according to your jurisdiction royal of this realm, for dread of the same censures and pains comprised in the said laws, so by them made in

their convocations, to the great trouble and inquietation of your said humble and obedient lay subjects, to the impeachment of your jurisdiction and prerogative royal. To this article we say that forasmuch as we repute and take our authority of making of laws to be grounded upon the Scripture of God and the determination of Holy Church, which must also be a rule and squire (*sic*) to try the justice and righteousness of all laws, as well spiritual as temporal, we verily trust that in such laws as have been made by us or by our predecessors, the same being sincerely interpreted, and after the good meaning of the makers, there shall be found nothing contained in them but such as may be well justified by the said rule and squire (*sic*). And if it shall otherwise appear, as it is our duty, whereunto we shall always most diligently apply ourselves, to reform our ordinances to God's commission and to conform our statutes and laws, and those of our predecessors, to the determination of Scripture and Holy Church, so we hope in God, and shall daily pray for the same, that your highness will, if there appear cause why, with the assent of your people, temper your grace's laws accordingly; whereby shall ensue a most sure and perfect conjunction and agreement, as God being *lapis angularis* to agree and conjoin the same. 1532.

And as concerning the requiring of your highness's royal assent to the authorizing of such laws as have been by our predecessors, or shall be made by us, in such points and articles as we have by good authority to rule and order by provisions and laws; we, knowing your highness's wisdom, virtue, and learning, nothing doubt but that the same perceiveth how the granting thereunto dependeth not upon our will and liberty, and that we, your most humble subjects, may not submit the execution of our charges and duty, certainly prescribed by God, to your highness's assent; although, of very deed, the same is most worthy for your most princely and excellent virtues, not only to give your

As regards submitting the canons to the king, this cannot be promised;

1532. but the king's opinion is solicited.

royal assent, but also to devise and command what we should, for good order and manners, by statutes and laws, provide in the Church. Nevertheless, considering we may not so, nor in such sort, restrain the doing of our office in the feeding and ruling of Christ's people, your grace's subjects, we—most humbly desiring your grace, as the same has done heretofore, so from henceforth to show your grace's mind and opinion unto us, what your highness's wisdom shall think convenient, which we shall most gladly hear and follow, if it shall please God to inspire us so to do—with all submission and humility, beseech the same, following the steps of your most noble progenitors, and conformably to your own acts, to maintain and defend such laws and ordinances as we, according to our calling and by the authority of God, shall, for His honour, make to the edification of virtue and the maintaining of Christ's faith, whereof your highness is defender in name, and has been hitherto in deed, a special protector.

Furthermore, in the same first article, where your lay subjects say that sundry of the said laws extend, in certain causes, to your excellent person, your liberty and prerogative royal, and to the interdiction of your lands and possessions:

The king will find that the existing canons do not injure his prerogative.

To this your said orators say, in answer to the former article as submitted, that having the trying and examining of the laws made in the Church, by us or our predecessors, to the just and straight rule of God's law—which giveth measure of power, prerogative, and authority to all emperors, kings, princes, and potentates, and all other—we have such estimation, and have conceived such opinion of your highness's goodness and virtue, that whatsoever any persons, not so well learned as your grace is, will pretend unto the same, whereby we, your most humble subjects, might be brought into your grace's displeasure and indignation, submitting that we should by usurpation and pre-

sumption extend our laws to your most noble person, prerogative, and realm, yet the same your highness being so highly learned will, of your own most bounteous goodness, facilely discharge and deliver us from that contention—the matter whereof not well understanded is hateful—when it shall appear that no such laws be made by us, nor, as far as we perceive and remember, by our predecessors neither, nor finally no laws, as we verily trust, but such as be good, wholesome, and convenient and maintainable by the word of God and the determination of Christ's Catholic Church. 1532.

Except in cases of heresy, they do not confiscate goods or excommunicate.

Furthermore, there be joined, with mention of your grace's person, other griefs that likewise some of the said laws extend to the goods and possessions of your said lay subjects, declaring the transgressors not only to fall into the terrible censures of excommunication, but also to the detestable crime of heresy. To this we, your grace's said orators, answer that we remember no such; and yet if there be any such, it is but according to the common law of the Church, and also to your grace's laws, which determine and decree that every person, spiritual or temporal, condemned of heresy shall forfeit his moveables or immoveables to your highness, or to the lord spiritual or temporal that by law hath right to them. Other statutes we remember none that toucheth the loss of their lands or goods. If there be, good it were that they were brought forth to be weighed and pondered accordingly as above.

As regards the laws of the realm, the clergy have no desire to interfere with their course.

Item, where they say that for fear of the said pains and censures comprised in the said laws, divers of your lay subjects be brought into this ambiguity, whether they may do and execute your grace's laws, according to your jurisdiction royal of this your realm:

To this your said orators answer and say, that they be sorry that they, being your most humble subjects in heart, should be noted to be let or impediment to the execution of your grace's laws. For we your said orators are, have

1532. been, and ever intend to be of that humble reverent mind toward your grace's highness, and of that charitable affection toward our ghostly children, your lay people and subjects, that, in our conscience, we neither yet have given to your worshipful Commons any just cause so to note us, neither during our lives intend to make any impeachment otherwise than by our most humble suit unto your highness, and giving advice and counsel or doctrine to your lay subjects, to consider the right and justice of such matters as, in the making or executing, might appear to be to the great prejudice of the liberties of Christ's Church; but rather to endure and sustain patiently, as we do, the same. And if we be otherwise a let than thus, or as ministers of God's word in the feeding and ruling of your grace's people in spiritual food, doctrine, and correction, according to the determination of Christ's Catholic Church, your highness shall find no difficulty of our reformation.

As regards vexatious summoning of people before the ordinaries or their officials, apology is offered if wrong has been done by any, which has certainly not been done by all.

Item, as touching the second principal article of the said supplication, where they say that divers and many your grace's obedient subjects, and especially they that be of the poorest sort, be daily called before us, the special ordinaries or commissaries and substitutes *ex officio*—sometime at the pleasure of us, the said ordinaries or commissaries and substitutes, for displeasure, without any probable cause, and sometime at the only promotion of our summoners, being light and indiscreet persons, without any credible fame first proved against them, and without any presentment in the visitation or lawful accusation:

To this we, your grace's said orators, do answer and say, and first we most humbly desire your highness by your high wisdom and learning to consider, that albeit, in the ordering of Christ's people, your grace's subjects, God, of His special goodness assisteth His Church, and inspireth by the Holy Ghost, as we verily trust, such wholesome rules and laws as tend to the wealth of His elect folk, the increase

and augmentation of His faith, honour, and glory—yet, upon consideration to man unknown, His infinite wisdom leaveth and permitteth men to walk in their infirmity and frailty. So that we cannot, nor will, arrogantly presume of ourselves, as though, being in name spiritual men, we were also all, in all our acts and doings, clean and void from all temporal affections and carnality of this world, in that the laws of the Church made for spiritual and ghostly purpose be not sometimes applied to worldly intent; which we ought and do lament (as becometh us) very sore. Nevertheless, inasmuch as the evil acts and deeds of men be the more defaults of those particular men, and not of the whole order of the clergy, nor of the laws wholesomely by them made, our request and petition shall be, with all humility and reverence, that all laws well made be not therefore called evil, because at all times, and by all men, they be not well executed, and that in such defaults as shall appear, such distribution may be used as St. Paul speaketh of: *ut unusquisque onus suum portet*, and remedy to exhibit to reform the offenders; unto the which your highness shall perceive as great towardness in your said orators as can be required upon declaration of the particulars and special articles in that behalf. And other answer than this, cannot be made in the name of your whole clergy, considering that, in many of the particularities which be alleged as defaults, if the whole clergy should confess or deny them, they be not all true or all false generally in the whole; for though *in multis offendimus omnes*, as St. James saith, yet not *in omnibus offendimus omnes*; and the whole number can neither justify nor condemn particular acts to them unknown but thus. He that calleth a man *ex officio* for correction of sin doeth well. He that calleth men for pleasure and vexation doeth evil. Summoners should be honest men. If they offend in their office, they should be punished. To prove first the same, before men be called, it is not 1532.

1532. necessary. He that is called according to the laws *ex officio* or otherwise cannot complain. He that is otherwise ordered should have, by reason, convenient recompence and so forth; that that is well to be allowed, and misdemeanour, when it appeareth, reproved.

Prison has only been used for safe custody in heresy cases, and not in any notable instances.

Item, where they say in the same article that upon their appearance *ex officio* at the only pleasure of us the said ordinaries or commissaries and their substitutes, they be committed to prison without bail or mainprize, and there they lie, some half a year or more, before they come to their deliverance: To this your said orators answer, we use no person before conviction but for sure custody, only of such as be suspected of heresy, in which crime, thanked be God, there has fallen no such notable personage, in our time, or of such qualities as hath given occasion of any sinister suspicion to be conceived of malice or hatred to his person other than the heinousness of that crime deserveth. Truth it is that certain apostates, friars, monks, lewd priests, bankrupt merchants, vagabonds, and lewd idle fellows of corrupt intent, have embraced the abominable and erroneous opinions lately sprung in Germany, and by them some seduced in simplicity and ignorance. Against these, if justice has been exercised according to the laws of the Church, and conformably to the laws of this realm, we be without blame. If we have been too slack and remiss, we shall gladly do our duty from henceforth. If any man hath been under pretence of this [crime] particularly offended, it were pity to suffer any man wronged; and thus it ought to be, and otherwise we cannot answer, no man's special case being declared in the said petition.

No man ought to be entrapped into making dangerous admis-

Item, where they say further that they so appearing *ex officio* be constrained to answer to many subtle questions and interrogatories, by the which a simple, unlearned, or else a well witted layman without learning, sometime is, and commonly may be, trapped and induced to the peril of open

penance, to their shame, or else to redeem the same penance for money, as is commonly used: To this your said orators answer, we should not use subtlety, for we should do all things plainly and openly; and if we do otherwise, we do amiss. We ought not to ask questions, but after the capacities of the man. Christ hath defended His true doctrine and faith in His Catholic Church from all subtlety, and so preserved good men in the same, as they have not (blessed be God) been vexed, inquieted, or troubled in Christ's Church therefor, and evil men fall in danger by their own subtlety; for among all other matters protested before God, we neither have known, read, or heard of any one man damaged, hurt, or prejudiced by spiritual jurisdiction in this behalf, neither in this realm nor any other, but only by his own deserts. Such is the goodness of God in maintaining the cause of His Catholic faith.

1532. sions, but as far as they know no one has suffered wrongfully.

Item, where they say that they be compelled to do open penance, or else to redeem the same for money: To this your said orators answer; as for penance, [it] consisteth in the arbitre of a judge who ought, without affection, enjoin such penance as might profit for correction of the fault. Wherefore we disallow that judge's doing, who taketh money for penance, for lucre or advantage, not regarding the reformation of sin as he ought to do; but when open penance may sometime work in certain persons more hurt than good, it is commendable and allowable in that case to punish by the purse and preserve the fame of the party; foreseeing alway the money be converted *in usus pios et eleemosynam*; and thus we think of the thing, and that the offenders herein should be punished.

Commutation of penance is in certain cases a commendable thing.

Item, where they complain that two witnesses be admitted, be they never so defamed, of little truth and credence, adversaries or enemies to the parties, yet in many causes they may be allowed by the discretions of the said ordinaries, their commissaries or substitutes, to put

As regards permitting two witnesses of insufficient character

1532. the party accused or defamed, of office, to open penance, and then to redemption for money, so that every of your subjects, upon the only will and pleasure of the ordinaries, their commissaries and substitutes, without any accuser, proved fame, or presentment, is, or may be, infamed, vexed, and troubled, to the peril of their lives, their shames, costs, and expenses:

to give evidence, it has always been allowed in heresy cases.

To this your said orators answer, the Gospel of Christ teacheth us to believe two witnesses; and as the cause is, so the judge must esteem the qualities of the witness, and in heresy no exception is necessary to be considered if their tale be likely; which hath been highly provided, lest heretics, without jeopardy, might else plant their heresies in lewd and light persons, and, taking exception to the witness, take boldness to continue their folly. This is the universal law of Christendom and hath universally done good. Of any injury done to any man thereby, we know not.

They would willingly be discharged from trying heresy, if it were God's will.

Item, where they say that it is not intended by them to take away from us our authority to correct and punish sin, and especially the detestable crime of heresy:

To this your said orators answer, in the persecution (*sic*) of heretics we regard our duty and office whereunto we be called, and if God would discharge us thereof, or cease that plague universal—as by your mighty hand, and directing the hearts of princes, and specially of your highness (laud and thanks be unto Him), His goodness doth commence and begin to do—we should and shall have great cause to rejoice, as being our authority therein costly, dangerous, full of trouble and business, without any fruit, pleasure, or commodity worldly, but a continual conflict and vexation, with pertinacity, wilfulness, folly, and ignorance, whereupon followeth their bodily and ghostly destruction, to our great sorrow and lamentation.

More rigorous heresy

Item, where they desire that, by the assent of your highness, if the laws heretofore made be not sufficient for the

repressing of heresy, that more dreadful and terrible may be made. To this your said orators answer, this is undoubtedly a more charitable request than (as we trust) necessary, considering that by the aid of your highness, the pains of your grace's statutes already made, freely executed, your realm may be, in short time, clean purged from the few small dregs that do remain, if any do remain. 1532. laws are scarcely necessary.

Item, whereas they desire some reasonable declaration may be known to your people how they may (if they will) avoid the peril of heresy: To this your said orators and bedesmen say and answer, that there can be no better declaration known than is already by our Saviour Christ, the apostles, and the determination of the Church, which if they keep they shall not fail clearly to eschew heresy. No new directions as to avoiding heresy are necessary.

Item, where they desire that some charitable fashion may be devised by your most excellent wisdom for the calling of any your subjects before them, that it shall not stand in the only will and pleasure of the ordinaries, at their own imagination, without lawful accusation, proved fame by honest witness, presentment in the visitation, or other lawful presentment according to your laws, or by such other charitable means as shall be thought by your most excellent wisdom measurable in that behalf for the quietness of your subjects: To this your said orators answer, that a better provision cannot be devised than is already devised by the clergy, in our opinion; and if any default appear in the execution, it shall be amended upon the declaration of the particulars and the same proved. The present procedure in heresy is sufficient, and any mistakes shall be amended.

Item, where they say that your grace's subjects be originally accited to appear out of the diocese that they dwell in, and many times be suspended and excommunicated for small and light causes upon the only certificate devised by the proctors, &c., and that also your said most humble and obedient subjects find themselves grieved with the great and excessive fees taken in the spiritual courts, &c.: As to summons without diocese and excessive fees, the archbishop is already reforming

1532. his courts, and the officials thereof have been useful to the king.

To this article—for because it concerneth most specially the spiritual courts of me (*sic*), the Archbishop of Canterbury —please it your grace to understand that about twelve months past I reformed certain things objected here; and now, within these ten weeks, I reformed many other things in my said courts, as it is I suppose not unknown unto your grace's Commons; and some of the fees of the officers in my courts I have brought down to halves, some to the third part, and some wholly taken away and extincted; and yet it is objected as though I had taken no manner of reformation therein. Nevertheless I will not cease yet; but in such things as I shall see your grace's Commons most offended, I will set some redress accordingly, so as I trust your grace's worshipful Commons will be contented in that behalf. And I, your grace's most humble chaplain the said Archbishop of Canterbury, entirely beseech your grace to consider what high services the doctors of civil [law], which have been brought up and had their experience and practice in my said poor courts, have done to your grace and your grace's most noble progenitors concerning treaties, truces, confederations, and leagues, drawn, devised, and concluded with outward princes; and how that, without such learned men in civil law, your most noble grace and your progenitors could not have been so honourably and so conveniently served in that behalf, as at all times you and they have been, which thing percase, when such learned men in civil law shall fail within this your realm, will appear more evident than it doth now. The decay whereof grieveth me to foresee and remember, not so greatly for any cause concerning specially the pleasure or profit of myself, being a man spent, and at the point to depart this world, and having no penny of any advantage by my said courts, but principally for the good love and zeal that I bear to the honour of your most noble grace and of this your realm, that it may continue in as high estimation in outward

realms, by the honourable service of learned men in civil law, being ambassadors, after my death, as it hath at all times hitherto; of which learned men having good experience, your grace shall not fail to have good choice, when time shall require, if the doctors of my court, the Arches, may be entertained there, as they have been in times past, being there for a season practising and preparing themselves to be able to do your grace acceptable service when your grace shall call them and command them. And albeit there is, by the assent of the Lords temporal and the Commons of your Parliament, an Act passed thereupon already, the matter depending afore your majesty by way of supplication offered up unto your highness by your said Commons; yet, forasmuch as we, your grace's most humble chaplains, the archbishops of Canterbury and York, be straitly bounden by oath to be intercessors for the right of our churches, and forasmuch as the spiritual prelates of the clergy, being of your grace's Parliament, consented not to the said Act, for divers great causes moving their consciences, we, your grace's said chaplains, in our most humble manner show unto your highness that it hath appertained to the archbishops of Canterbury and York, the right of their churches for the space of four hundred years or thereabouts, to have spiritual jurisdiction over all them your grace's subjects dwelling within their provinces, and to have authority to call them before them by citation, not only in spiritual causes devolved to them by way of appeal, but also by way of querimony and complaint; which right and privilege pertaineth not only to the persons of the said archbishops, but also to the dignities and the pre-eminences of their churches. Insomuch as when the archbishop of either of the sees dieth, the said privileges do not only remain to his successor (by which he is named *Legatus natus*), but also, in the mean time of vacation, the same privilege resteth in the churches of Canterbury and York,

1532.

The recent Act, passed without the assent of the bishops, is an undeserved invasion of the rights of Canterbury and York.

1532. and is executed by the prior, dean, and chapters of the said churches; and so the said Act is directly against the liberty and privileges of the churches of Canterbury and York, lawfully prescribed by so long time as is aforesaid; and what dangers be to them which study and labour to move and induce any persons to break or take away the liberties and privileges of the Church, whoso will read the general Councils of Christendom and holy canons of the fathers of the Catholic Church ordained in that behalf, shall soon perceive, as well as though they were here expressed. And further we think verily that our churches, to whom the said privileges were granted, can give no cause why the pope himself (whose predecessors granted that privilege) or any other (the honour of your grace ever except) may justly take away the same privilege, so lawfully prescribed, from our churches, though we had greatly offended, abusing the said privileges: but where, in our persons, we trust we have given no cause why to lose that privilege, we most entirely and most humbly beseech your grace that, of your superabundant goodness and absolute power, it may please the same to set such an order and direction in this behalf as we may enjoy the privileges of our churches, lawfully prescribed and admitted so long as before, by the consent of your most noble grace, your progenitors, the temporal lords and spiritual prelates, and all the Commons, both spiritual and temporal, of this your grace's realm.

Executors are not as a rule summoned to go unreasonable distances.

Item, where they say that the executors be put to travel to far places out of the shire they dwell in:

To this we, your grace's said orators, answer that there be none so far called, unless it be by my lord of Canterbury by virtue of his prerogative, approved by a statute lately by them (as much as in them is) passed. And as touching inferior ordinaries, having ample and large jurisdictions and dioceses, there be, in every shire for the most part appointed and remaining, certain commissaries, officials, or substitutes

for the expedition of testaments and other causes, except it be so that the parties themselves will come further for the same cause, or that the bishop or his officer does sometime upon consideration—for that the testament containeth many and great legacies or such other—does call the executors before them where they be; which they may do, by the common rule of the laws of the Church, within any part of their dioceses. 1532.

Item, where they complain that there is exacted and demanded in divers parishes of this your realm, other manner of tithes than hath been accustomed to be paid this hundred years past, and in some parts of this your realm there is exacted double tithes, that is to say, threepence or twopence half-penny, for one acre, over and beside the tithe for the increase of the cattle that pastureth the same: As regards the tithes, they are due by God's law and the right cannot lapse.

To this we, your grace's said orators, answer that tithes being due by God's law, be so duly paid (thanked be God) by all good men, as there needeth not any exaction or demand in the most parts of this your grace's realm. As for double tithes, [they] cannot be maintained due for one increase; whether it be in any place unduly exacted or no, in fact, we know not. This we know in learning, that a hundred years, nor seven hundred, of non-payment may not debar the right of God's law. The manner of payment and person unto whom to pay may be, in time, altered, but the duty cannot, by any means, be taken away.

Item, where they say that where any mortuary is due, sometime curates, before they will demand it, will bring citation for it, and then will not receive the mortuaries till he (*sic*) may have such costs as he says he has laid out for the suit of the same, where, indeed, if he would have charitably first demanded it, he needed not to have sued for the same, for it should have been paid with good will: Mortuaries ought not to be sued for before opportunity of payment has been given.

To this we, your said orators, answer that these curates

1532. thus offending, if they were known, ought to be punished: but who thus doeth, we know not.

Fuller information as to insufficient titles is needed before answer can be made.

Item, where they say that if any spiritual person has obtained the possession of any profit for the time of thirty or forty years, albeit such profit began sometime by suffrement, sometime by devotion, yet it is said that the said prescription maketh a good title in the law against any lay person, which things be used to the importable charges of your subjects:

To this we, your said orators, answer that true it is that the time of thirty or forty years maketh a lawful prescription by the law used and approved throughout all Christendom; but whether, by the reason of the same, any importable charges be put upon your subjects, we know not, but surely trust the contrary; otherwise we cannot determinately answer, except the specialty were disclosed.

The fees for induction have been moderate.

Item, where they say that divers spiritual persons—being presented, as well by your highness as by other patrons within this your realm, to divers benefices and other spiritual promotions—we, the said ordinaries and our ministers, do not only take of them, for their letters of institutions and inductions, many great and large sums of money and reward, &c.: To this we, your said orators, answer that this is a particular abuse, and he that taketh rewards doeth not well; and if any penny be exacted above the accustomed rate usually received, and after a convenient proportion, it is not well done; but in taking the accustomed fees for the sealing, writing, and registering of the letters, which is very moderate, we cannot think it reputed as any offence; neither have not heard any priests, by our days, complain of any excess therein.

Bonds made during vacancies are illegal.

Item, where they say in the same article that such as be presented to benefices, as aforesaid, be long delayed, without reasonable cause, to the intent that we, the ordinaries, may have the profit of the benefice during the vacation, unless

they will pact and convent with us by temporal bonds, after such fashion and condition as we will, whereof some bonds contain that we, the ordinaries, should have part of the profit of the said benefices after their institution, so that they, being once presented or promoted as is aforesaid, be by us, the said ordinaries, sometime uncharitably handled, not only to the hurt of the lay patrons, but also to the hindrance and impoverishment of their clerks by them presented, which your said subjects suppose not only to be against right and good conscience, but also seemeth to be simony and contrary to the laws of God: 1532.

To this we, your grace's humble orators, do say that a delay without reasonable cause, and for a luccature [lucrative?] intent, is detestable in spiritual men, and the doers cannot eschew punishment, the same being proved; but otherwise a delay is sometimes expedient to examine the clerk, and sometimes necessary where the title is in variance. All other bargains and covenants, being contrary to the law, ought to be punished, as the quality is of the offence, more or less, as simony or inordinate covetousness, with condign pains accordingly; but in facts particular and special defaults the whole clergy cannot give no more special answer than this.

Presentation of relations and young people is not wrong if the stipend be used for their education.

Item, where they say that we give benefices to our nephews and kinsfolk, being in young age or infants, whereby the cure is not substantially looked unto, nor the parishioners taught as they should be: To this we, your humble orators, say that that thing which is not lawful in others is in spiritual men more detestable. Benefices should be disposed not *secundum carnem et sanguinem sed secundum merita*. And where this is a default it is not authorized by the clergy as good, but reproved; wherefore, in this, the clergy is not to be blamed, but the default (as it may appear) laid to particular men, and not to be answered unto otherwise by the whole clergy.

1532. Item, where they say that we, your said orators, take the profit of such benefices for the time of minority of our said kinsfolk: To this your said orators answer that if it be done to our own use and profit, it is not well, but to be reformed in such as do use the same; otherwise, if it be bestowed to the bringing up and use of the same parties, or applied to the maintenance of the Church and God's service, or distributed among poor people of the parish or elsewhere, we do not see but that it may be allowed.

As regards the excessive number of holy days *abusus non tollit usum.*

Item, where they say that they think a great number of holy days which now at this present time, with very small devotion, be solemnized and kept throughout this your realm, upon the which many great, abominable, and execrable vices, idle and wanton sports be exercised and used, which holy days (if it might stand with your grace's pleasure), and especially such as fall in the harvest, might by your majesty, by the advice of your most honourable council, prelates, and ordinaries, be made fewer in number, and these that shall hereafter be ordained may be the more devoutly, religiously, and reverently observed in the law of Almighty God and to the increase of your highness's honour and fame:

To this we, your said orators and bedesmen, answer that we be right heavy in our hearts to hear that any such abominable or execrable vice should be used at any time, and especially on the holy day; whereunto we intend hereafter to have a special regard for the reformation of the same with all diligence. Moreover we, your said bedesmen, say that we think (your grace's highness not offended) it is neither reasonable nor convenient that a thing that is instituted by our holy fathers and predecessors, to the honour of God and His blessed saints, should be taken away for the abuse of the same, seeing that there is nothing so good, but it may be abused, as the blessed Sacrament of the altar and all other holy sacraments; which no good Christian man

will think that, for such abuse, they should be taken away, but rather the abuse to be amended and reformed. And as touching the holy days in harvest, there be in August but Saint Laurence, the Assumption of our Blessed Lady, Saint Bartholomew, and in September the Nativity of our Lady, the Exaltation of the Cross, and Saint Matthew the Apostle, before which days harvest is commonly ended. And to take away any of these, we suppose, no man will be contented, seeing that they be of so great antiquity, and incorporated in the law, and of them that be so high in the favour of God, by whose intercession and means we may the better obtain His favour towards us in His benefits, which is specially to be regarded in the harvest time. 1532.

Item, where they say that divers and many spiritual persons, not contented with the convenient livings and promotions of the Church, daily intromit and exercise themselves in secular offices and rooms, as stewards, receivers, auditors, bailiffs, and other temporal offices, withdrawing themselves from the good, contemplative life that they have professed into the service of God, not only to the damage but also to the perilous example of your loving and obedient subjects: To this we, your said bedesmen and orators, answer that beneficed men may lawfully be stewards and receivers to their own bishops, as it evidently appeareth in the laws of the Church; and we, by the said laws, ought to have no other. And as for priests to be auditors and bailiffs, we know none such. The secular employment of clergy may in certain cases be allowed.

And where, finally, they, in the conclusion of their supplication, do repeat and say that forasmuch as there is at this present time, and by a few years past hath been, much misdemeanour and violence upon the one part, and much default and lack of patience, sufferance, charity, and good will on the other part, [and] a marvellous discord of the quiet and godly peace and tranquillity, that this your realm hath heretofore been in, ever hitherto, through your politic wisdom, The ill-will asserted between clergy and laity,

1532. in most honourable fame and catholic faith, inviolably preserved:

and the cases of violence; it has not been so, unless reference be to procedure in heresy cases.

To the first part thereof, as touching such discord as is reported, and also the misdemeanour which is imputed to us and our doings, we trust we have sufficiently answered to the same as above, humbly beseeching your grace, of your most excellent goodness, so to esteem and weigh the premises, as well our such answer as the contents of their supplication, as shall be thought good and expedient by your highness's wisdom. Furthermore we ascertain your grace as touching the violence which they seem to lay to our charges, albeit divers of the clergy of this your realm have sundry times been rigorously handled, and with much violence entreated by certain ill-disposed and seditious persons of the lay fee, so injured in their own persons, thrown down in the kennel in the open street at mid-day, even here, within your city and elsewhere, to the great reproach, rebuke, and disquietness of the clergy and ministers of God's Church within this your realm, the great danger of souls of the said misdoers, and perilous example of your said subjects. Yet we think verily, and do affirm the same, that no violence hath been so used on our behalf towards your said lay subjects in any case; unless they do esteem this to be violence that we do commonly use, as well for the health of their souls as for the discharge of our duties, in taking, examining, and punishing of heretics according to the law; wherein we doubt not but that your grace and divers of your grace's subjects do right well perceive and understand what charitable demeanour and entreaty we have used with such as have been before us for the same cause of heresy, and what means we have devised and studied for favour and safeguard specially of their souls; and that so charitably (as God be our judge) and without all violence as we could possibly devise. In execution whereof, and also of other the laws of the Church for

repression of sin and reformation of mislivers, it hath been to our great comfort that your grace and most excellent highness hath herein, of your benign goodness, assisted and aided us, the said ordinaries and ministers of God's Church, in this behalf for the great zeal and entire love which your grace beareth to God, His Church, and His ministers; specially in the defence of His faith, whereof your grace only and most worthily amongst all Christian princes beareth the title and name. 1532.

They ask the king's assistance in carrying out their spiritual office.

And as to their final petition and conclusion we, your grace's said most humble bedesmen, in our most lowly wise beseech your grace's majesty—in case there be any such marvellous discord and grudge amongst your subjects as is reported in the said supplication—all the premises considered and tendered by your great politic wisdom, to repress the misdoers and such as be the occasion of the said marvellous discord, and to reconcile and bring to perpetual unity your said subjects. For in this behalf we, your grace's said orators and humble bedesmen, protest in our consciences that we find, in our behalf, no such grudge nor displeasure towards your lay subjects, our ghostly children, as above. We therefore, your most humble bedesmen and orators, beseech your grace's highness—upon the tender zeal and entire love which your grace doth bear to Christ's faith and to the laws of His Church, specially in this your grace's own realm—of your accustomed and incomparable goodness unto us your said bedesmen, to continue our chief protector, defender, and aider in and for the execution of our office and duty, specially touching repression of heresy, reformation of sin, and due behaviour and order in the premises of all your grace's subjects, spiritual and temporal, which (no doubt thereof) shall be much to the pleasure of God, great comfort to many's souls, quietness and unity of all your whole realm, and, as we think verily, most principally to the great

1532. comfort of your grace's majesty, which we beseech lowly upon our knees, so entirely as we can, to be the author of unity, charity, and concord as above, for whose preservation we do and shall continually pray to Almighty God long to reign and prosper in most honourable estate to His pleasure.

XLVIII.

THE SUBMISSION OF THE CLERGY, A. D. 1532.

1532. By the following document, agreed to by Convocation on May 15, 1532, and handed to the king on the following day, the clergy made their submission to the king's demands. The transcript below is taken from a regularly certified copy from the Register of Convocation, which copy is now preserved amongst the State Papers. A contemporary draft of the preceding, with some verbal differences and an extra article, is also preserved amongst the State Papers (S. P. Hen. VIII, v. 1023 ii.). Its material difference is the omission of the word *new*. Its precise relation to the one here printed is not quite clear. Presumably the one agreed to by Convocation is that given below. The words contained in square brackets are those in which 1023 i. differs from the text of 1023 ii.; these differences are given in the foot-notes Many verbal differences will be noticed between both these forms here given and that printed by Collier. ix. 97, and other authorities who quote him; his basis is Cotton MS. Cleop. F, vi. fol. 96.

[S. P. Henry VIII. v. No. 1023 i.]

The clergy with all confidence in the king do promise:

We your most humble subjects, daily orators and bedesmen of your clergy of England, having our special trust and confidence in your most excellent wisdom, your princely goodness and fervent zeal to the promotion of God's honour and Christian religion, and also in your learning, far exceeding, in our judgment, the learning of all other kings and princes that we have read of, and doubting nothing but that the same shall still continue and daily increase in your majesty—

1532.

First, do offer and promise, *in verbo sacerdotii*, here unto your highness, submitting ourselves most humbly to the same, that we will never from henceforth [enact [1]], put in ure [2], promulge, or execute, any [new canons or constitutions provincial, or any other new ordinance, provincial or synodal [3]], in our Convocation [or synod [4]] in time coming, which Convocation is, always has been, and must be, assembled only by your highness' commandment of writ, unless your highness by your royal assent shall license us to [assemble our Convocation, and [5]] to make, promulge, and execute [such constitutions and ordinances as shall be made in [6]] the same; and thereto give your [7] royal assent and authority.

(1) Not to make any new canons without the king's licence and ratification.

Secondly, that whereas divers [of the [8]] constitutions, [ordinances [9],] and canons, provincial [or synodal [10],] which have been heretofore enacted, be thought to be not only much prejudicial to your prerogative royal, but also overmuch onerous to your highness' subjects, [your clergy aforesaid is contented, if it may stand so with your highness' pleasure, that [11]] it be committed to the examination and judgment [of your grace, and [12]] of thirty-two persons, whereof sixteen to be of the upper and nether house of the temporalty, and other sixteen of the clergy, all to be chosen and appointed by your [most noble grace [13]]. So that, finally, whichsoever of the said constitutions, [ordinances, or canons, provincial or synodal [14],] shall be thought and determined by [your grace and by [15]] the most part of the said thirty-two persons [not to stand with God's laws and the laws of your realm, the same [16]] [17] to be abrogated and [taken away by your grace and the

(2) To submit previous canons to a committee of revision, on condition that those approved be put in force.

[1] presume to attempt, allege, claim, or yet. [2] Add. or to enact.
[3] canons, constitutions or ordinance provincial, or by any other name whatsoever they may be called.
[4] Om. [5] Om. [6] Om. [7] Add. most.
[8] Om. [9] Om. [10] Om. [11] Om. [12] Om.
[13] highness. [14] Om. [15] Om. [16] Om.
[17] Add. worthy.

1532. clergy; and such of them as shall be seen by your grace, and by the most part of the said thirty-two persons, to stand with God's laws and the laws of your realm, to stand in full strength and power, your grace's most royal assent and authority [1]] once impetrate and fully given to the same.

XLIX.

THE CONDITIONAL RESTRAINT OF ANNATES, A. D. 1532.

23 HENRY VIII, CAP. 20.

1532. THE payment of annates, or first-fruits, *i. e.* one year's profit of spiritual livings, to the pope had already been the subject of legislation; their payment is, by the following Act, conditionally restrained. This restraint was made absolute in the following year (*post*, No. LII). The record known as the *Valor Ecclesiasticus*—a survey or valuation of all ecclesiastical benefices throughout England and Wales—is the return compiled by Henry VIII's direction after the absolute restraint of these payments to Rome had been enacted; before that compilation they had been calculated upon the taxation of Pope Nicholas IV, A. D. 1291 (see Bird's *Handbook to the Public Records*, pp. 100 and 106). This Act was passed in the session of Parliament, Jan.–Mar. 1532.

[Transcr Statutes of the Realm, iii. 385.]

Great sums conveyed to Rome for first-fruits of arch-bishoprics and bishoprics.

Forasmuch as it is well perceived, by long-approved experience, that great and inestimable sums of money have been daily conveyed out of this realm, to the impoverishment of the same; and specially such sums of money as

[1] annulled, the same to be afterwards taken away by your most noble grace and the clergy, and to be abolite as of no force nor strength. Thirdly, that all other of the said constitutions and canons being viewed and approbate by the said thirty-two persons, which by the most part of their judgments do stand with God's law and your highness', to stand in full strength and power, your grace's most royal assent

the pope's holiness, his predecessors, and the Court of Rome, by long time have heretofore taken of all and singular those spiritual persons which have been named, elected, presented, or postulated to be archbishops or bishops within this realm of England, under the title of annates, otherwise called first-fruits: which annates, or first-fruits, heretofore have been taken of every archbishopric, or bishopric, within this realm, by restraint of the pope's bulls, for confirmations, elections, admissions, postulations, provisions, collations, dispositions, institutions, installations, investitures, orders, holy benedictions, palls, or other things requisite and necessary to the attaining of those their promotions; and have been compelled to pay, before they could attain the same, great sums of money, before they might receive any part of the fruits of the said archbishopric, or bishopric, whereunto they were named, elected, presented, or postulated; by occasion whereof, not only the treasure of this realm has been greatly conveyed out of the same, but also it has happened many times, by occasion of death, unto such archbishops, and bishops, so newly promoted, within two or three years after his or their consecration, that his or their friends, by whom he or they have been holpen to advance and make payment of the said annates, or first-fruits, have been thereby utterly undone and impoverished: 1532. The nation thereby impoverished and the friends of those promoted often ruined.

And for because the said annates have risen, grown, and increased, by an uncharitable custom, grounded upon no just or good title, and the payments thereof obtained by restraint of bulls, until the same annates, or first-fruits, have been paid, or surety made for the same; which declares the said payments to be exacted, and taken by constraint, against all equity and justice: Increase in papal demands.

The noblemen, therefore, of the realm, and the wise, sage, politic Commons of the same, assembled in this present Parliament, considering that the Court of Rome ceases not Circumstances which have led to this

1532. Act of restraint.

to tax, take, and exact the said great sums of money, under the title of annates, or first-fruits, as is aforesaid, to the great damage of the said prelates and this realm; which annates, or first-fruits, were first suffered to be taken within the same realm, for the only defence of Christian people against the infidels, and now they be claimed and demanded as mere duty, only for lucre, against all right and conscience: insomuch that it is evidently known, that there has passed out of this realm unto the Court of Rome, since the second year of the reign of the most noble prince of famous memory, King Henry VII, unto this present time, under the name of annates, or first-fruits, paid for the expedition of bulls of archbishoprics, and bishoprics, the sum of eight hundred thousand ducats, amounting in sterling money, at the least, to eight score thousand pounds, besides other great and intolerable sums which have yearly been conveyed to the said Court of Rome, by many other ways and means, to the great impoverishment of this realm:

From 2 Hen. VII £160,000 paid in first-fruits.

The restraint of annates does not indicate unfaithfulness to God and Holy Church.

Considered in Parliament that, for good of commonwealth, king bound to repress annates.

And albeit that our said sovereign the king, and all his natural subjects, as well spiritual as temporal, be as obedient, devout, catholic, and humble children of God and Holy Church, as any people be within any realm christened; yet the said exactions of annates, or first-fruits, be so intolerable and importable to this realm, that it is considered and declared, by the whole body of this realm now represented by all the estates of the same assembled in this present Parliament, that the king's highness before Almighty God is bound, as by the duty of a good Christian prince, for the conservation and preservation of the good estate and commonwealth of this his realm, to do all that in him is to obviate, repress, and redress the said abuses and exactions of annates, or first-fruits: and because that divers prelates of this realm be now in extreme age, and in other debilities of their bodies, so that of likelihood bodily death in short time shall or may succeed

unto them; by reason whereof great sums of money shall shortly after their deaths be conveyed unto the Court of Rome, for the unreasonable and uncharitable causes above-said, to the universal damage, prejudice, and impoverishment of this realm, if speedy remedy be not in due time provided: 1532.

All payments, other than are declared in this Act, shall cease.

It is therefore ordained, established, and enacted, by authority of this present Parliament, that the unlawful payments of annates, or first-fruits, and all manner contributions for the same, for any archbishopric or bishopric, or for any bulls hereafter to be obtained from the Court of Rome, to or for the aforesaid purpose and intent, shall from henceforth utterly cease, and no such hereafter to be paid for any archbishopric, or bishopric, within this realm, other or otherwise than hereafter in this present Act is declared; and that no manner person nor persons hereafter to be named, elected, presented, or postulated to any archbishopric, or bishopric, within this realm, shall pay the said annates, or first-fruits, for the said archbishopric, or bishopric, nor any other manner of sum or sums of money, pensions, or annuities for the same, or for any other like exaction, or cause, upon pain to forfeit to our said sovereign lord the king, his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the same archbishopric, or bishopric, during the time that he or they which shall offend, contrary to this present Act, shall have, possess, or enjoy the archbishopric, or bishopric, wherefor he shall so offend contrary to the form aforesaid.

Power to archbishops to consecrate in England bishops hindered at Rome from admission to

And furthermore it is enacted, by authority of this present Parliament, that every person hereafter named and presented to the Court of Rome by the king, or any of his heirs or successors, to be bishop of any see or diocese within this realm hereafter, shall be letted, deferred, or delayed at the Court of Rome from any such bishopric, whereunto he shall be so presented, by means of restraint

1532. their bishoprics.

of bulls apostolic, and other things requisite to the same; or shall be denied at the Court of Rome, upon convenient suit made, any manner bulls requisite for any of the causes aforesaid, every such person or persons so presented may be, and shall be, consecrated here in England by the archbishop, in whose province the said bishopric shall be, so alway that the same person shall be named and presented by the king for the time being to the same archbishop:

An archbishop so hindered shall be consecrated by two bishops,

And if any persons being named and presented, as is aforesaid, to any archbishopric of this realm, making convenient suit, as is aforesaid, shall happen to be letted, deferred, delayed, or otherwise disturbed from the same archbishopric, for lack of pall, bulls, or other things to him requisite, to be obtained in the Court of Rome in that behalf, that then every such person named and presented to be archbishop may be, and shall be, consecrated and invested, after presentation made, as is aforesaid, by any other two bishops within this realm, whom the king's highness, or any of his heirs or successors, kings of England, for the time being, will assign and appoint for the same, according and in like manner as

as in ancient times was done.

divers other archbishops and bishops have been heretofore, in ancient time, by sundry the king's most noble progenitors, made, consecrated, and invested within this realm:

Archbishops or bishops shall be installed, accepted, and obeyed as other prelates,

And that every archbishop and bishop hereafter, being named and presented by the king's highness, his heirs or successors, kings of England, and being consecrated and invested, as is aforesaid, shall be installed accordingly, and shall be accepted, taken, reputed, used, and obeyed, as an archbishop or bishop of the dignity, see, or place whereunto he so shall be named, presented, and consecrated, requires; and as other like prelates of that province, see, or diocese, have been used, accepted, taken, and obeyed, which have had, and obtained completely, their bulls, and other things

and enjoy all spiritualities

requisite in that behalf from the Court of Rome. And also shall fully and entirely have and enjoy all the spiritu-

alities and temporalities of the said archbishopric or bishopric, in as large, ample, and beneficial manner, as any of his or their predecessors had and enjoyed in the said archbishopric or bishopric, satisfying and yielding unto the king our sovereign lord, and to his heirs or successors, kings of England, all such duties, rights, and interests, as before this time had been accustomed to be paid for any such archbishopric or bishopric, according to the ancient laws and customs of this realm, and the king's prerogative royal. 1532. and temporalities, yielding to the king all duties, rights, &c.

And to the intent our said holy father the pope, and the Court of Rome, shall not think that the pains and labours taken, and hereafter to be taken, about the writing, sealing, obtaining, and other businesses sustained, and hereafter to be sustained, by the offices of the said Court of Rome, for and about the expedition of any bulls hereafter to be obtained or had for any such archbishopric or bishopric, shall be irremunerated, or shall not be sufficiently and condignly recompensed in that behalf; and for their more ready expedition to be had therein: it is therefore enacted by the authority aforesaid, that every spiritual person of this realm, hereafter to be named, presented, or postulated, to any archbishopric or bishopric of this realm, shall and may lawfully pay for the writing and obtaining of his or their said bulls, at the Court of Rome, and ensealing the same with lead, to be had without payment of any annates, or first-fruits, or other charge or exaction by him or them to be made, yielded, or paid for the same, five pounds sterling, for and after the rate of the clear and whole yearly value of every hundred pounds sterling, above all charges of any such archbishopric or bishopric, or other money, to the value of the said five pounds, for the clear yearly value of every hundred pounds of every such archbishopric or bishopric, and not above, nor in any other wise, anything in this present Act before written notwithstanding. Provision made for the Court of Rome by loss thereby.

1532. The Parliament, not willing to use extremity without urgent cause,

have committed this matter to the king, if possible to compound it with the Court of Rome for annates.

And forasmuch as the king's highness, and this his High Court of Parliament, neither have, nor do intend to use in this, or any other like cause, any manner of extremity or violence, before gentle courtesy and friendly ways and means first approved and attempted, and without a very great urgent cause and occasion given to the contrary, but principally coveting to disburthen this realm of the said great exactions, and intolerable charges of annates, and first-fruits, have therefore thought convenient to commit the final order and determination of the premises, in all things, unto the king's highness. So that if it may seem to his high wisdom, and most prudent discretion, meet to move the pope's holiness, and the Court of Rome, amicably, charitably, and reasonably, to compound, either to extinct and make frustrate the payments of the said annates, or first-fruits, or else, by some friendly, loving, and tolerable composition, to moderate the same, in such wise as may be by this his realm easily borne and sustained: that then those ways and compositions once taken, concluded, and agreed, between the pope's holiness and the king's highness, shall stand in strength, force and effect of law, inviolably to be observed.

The king shall, before the next Parliament, declare if this shall be a statute or not.

And it is also further ordained, and enacted by the authority of this present Parliament, that the king's highness at any time, or times, on this side the feast of Easter, which shall be in the year of our Lord God, one thousand five hundred and three and thirty, or at any time on this side the beginning of the next Parliament, by his letters patent under his great seal, to be made, and to be entered of record in the roll of this present Parliament, may and shall have full power and liberty to declare, by the said letters patent, whether that the premises, or any part, clause, or matter thereof, shall be observed, obeyed, executed, performed, and take place and effect, as an act and statute of this present Parliament, or not; so that if his highness, by his

said letters patent, before the expiration of the terms above limited, thereby do declare his pleasure to be, that the premises, or any part, clause, or matter thereof, shall not be put in execution, observed, continued, nor obeyed—in that case all the said premises, or such part, clause, or matter thereof, as the king's highness so shall refuse, disaffirm, or not ratify, shall stand and be from henceforth utterly void and of none effect. And in case that the king's highness, before the expiration of the terms afore prefixed, do declare by his said letters patent, his pleasure and determination to be, that the said premises, or every clause, sentence, and part thereof, that is to say, the whole, or such part thereof as the king's highness so shall affirm, accept, and ratify, shall in all points stand, remain, abide, and be put in due and effectual execution, according to the purport, tenor, effect, and true meaning of the same; and to stand and be from henceforth for ever after, as firm, steadfast, and available in the law, as though the same had been fully and perfectly established, enacted, and confirmed, to be in every part thereof, immediately, wholly, and entirely executed, in like manner, form, and effect, as other Acts and laws; the which be fully and determinately made, ordained, and enacted in this present Parliament. 1532.

If means of amicable determination fail,

And if that upon the aforesaid reasonable, amicable, and charitable ways and means, by the king's highness to be experimented, moved, or compounded, or otherwise approved, it shall and may appear, or be seen unto his grace, that this realm shall be continually burdened and charged with this, and such other intolerable exactions and demands, as heretofore it hath been; and that thereupon, for continuance of the same, our said holy father the pope, or any of his successors, or the Court of Rome, will, or do, or cause to be done at any time hereafter, so as is above rehearsed, unjustly, uncharitably, and unreasonably, vex, inquiet, molest, trouble, or grieve our said sovereign lord,

and the pope attempt to vex the country by interdict,

1532. his heirs or successors, kings of England, or any of his or their spiritual or lay subjects, or this his realm, by excommunication, excommengement, interdiction, or by any other process, censures, compulsories, ways or means:

all sacraments and divine services shall continue to be ministered, notwithstanding,

Be it enacted by the authority aforesaid, that the king's highness, his heirs and successors, kings of England, and all his spiritual and lay subjects of the same, without any scruples of conscience, shall and may lawfully, to the honour of Almighty God, the increase and continuance of virtue and good example within this realm, the said censures, excommunications, interdictions, compulsories, or any of them notwithstanding, minister, or cause to be ministered, throughout this said realm, and all other the dominions or territories belonging or appertaining thereunto, all and all manner of sacraments, sacramentals, ceremonies, or other divine service of Holy Church, or any other thing or things necessary for the health of the soul of mankind, as they heretofore at any time or times have been virtuously used or accustomed to do within the same; and that no manner such censures, excommunications, interdictions, or any other process or compulsories, shall be by any of the prelates, or other spiritual fathers of this region, nor by any of their ministers or substitutes, be (*sic*) at any time or times hereafter published, executed, nor divulged, nor suffered to be published, executed, or divulged in any manner of wise.

and the interdicts, &c., shall not be executed.

Be it remembered that on the 9th day of July, in the 25th year of the reign of King Henry, the same lord the king, by his letters patent, sealed under his great seal, ratified and confirmed the aforesaid Act, and gave to that Act his royal assent.

L.

THE RESTRAINT OF APPEALS, A.D. 1533.

24 HENRY VIII, CAP. 12.

THIS Act—which embodies the legal principle of the reformation under Henry VIII, as the Dispensation Act (*post*, No. LIII) sets forth the ecclesiastical principle—was passed in February, 1533; it was repealed by Mary's general Act of repeal (*post*, No. LXXVI), which repeal was in turn repealed by 1 Elizabeth, cap. 1 (*post*, No. LXXIX). 1533.

[Transcr. Statutes of the Realm, iii. 427.]

Where by divers sundry old authentic histories and chronicles, it is manifestly declared and expressed, that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same, unto whom a body politic, compact of all sorts and degrees of people divided in terms and by names of spiritualty and temporalty, be bounden and ought to bear, next to God, a natural and humble obedience: he being also institute and furnished, by the goodness and sufferance of Almighty God, with plenary, whole, and entire power, pre-eminence, authority, prerogative and jurisdiction, to render and yield justice, and final determination to all manner of folk, residents, or subjects within this his realm, in all causes, matters, debates, and contentions, happening to occur, insurge, or begin within the limits thereof, without restraint, or provocation to any foreign princes or potentates of the world; the body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and showed by that part of the said body politic, called the spiritualty, now being usually called the English Church,

Recital of ancient power and pre-eminence of the king of England,

and of the power and learning of the body spiritual, or 'English Church.'

1533. which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain; for the due administration whereof, and to keep them from corruption and sinister affection, the king's most noble progenitors, and the antecessors of the nobles of this realm, have sufficiently endowed the said Church, both with honour and possessions; and the laws temporal, for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without ravin or spoil, was and yet is administered, adjudged, and executed by sundry judges and ministers of the other part of the said body politic, called the temporalty; and both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other:

Form of government of the estate temporal.

Statutes made in time past to prevent encroachments of Rome or other foreign power.

And whereas the king, his most noble progenitors, and the nobility and Commons of this said realm, at divers and sundry Parliaments, as well in the time of King Edward I, Edward III, Richard II, Henry IV, and other noble kings of this realm, made sundry ordinances, laws, statutes, and provisions for the entire and sure conservation of the prerogatives, liberties, and pre-eminences of the said imperial crown of this realm, and of the jurisdiction spiritual and temporal of the same, to keep it from the annoyance as well of the see of Rome, as from the authority of other foreign potentates, attempting the diminution or violation thereof, as often, and from time to time, as any such annoyance or attempt might be known or espied:

Notwithstanding which,

And notwithstanding the said good statutes and ordinances made in the time of the king's most noble progeni-

tors, in preservation of the authority and prerogative of the said imperial crown, as is aforesaid; yet nevertheless since the making of the said good statutes and ordinances, divers and sundry inconveniences and dangers, not provided for plainly by the said former acts, statutes, and ordinances, have arisen and sprung by reason of appeals sued out of this realm to the see of Rome, in causes testamentary, causes of matrimony and divorces, right of tithes, oblations and obventions, not only to the great inquietation, vexation, trouble, cost and charges of the king's highness, and many of his subjects and residents in this his realm, but also to the great delay and let to the true and speedy determination of the said causes, for so much as the parties appealing to the said Court of Rome most commonly do the same for the delay of justice. 1533. dangers unprovided for therein have arisen by appeals to Rome. These appeals delay justice.

And forasmuch as the great distance of way is so far out of this realm, so that the necessary proofs, nor the true knowledge of the cause, can neither there be so well known, nor the witnesses there so well examined, as within this realm, so that the parties grieved by means of the said appeals be most times without remedy: Inconvenience of these appeals by reason of distance.

In consideration whereof the king's highness, his nobles and Commons, considering the great enormities, dangers, long delays and hurts, that as well to his highness, as to his said nobles, subjects, commons, and residents of this his realm, in the said causes testamentary, causes of matrimony and divorces, tithes, oblations and obventions, do daily ensue, does therefore by his royal assent, and by the assent of the lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by authority of the same, enact, establish, and ordain, that all causes testamentary, causes of matrimony and divorces, rights of tithes, oblations and obventions (the knowledge whereof by the goodness of princes of this realm, and by the laws and customs of the same, appertaineth to the spiritual juris- All causes determinable by spiritual jurisdiction, to be determined in the king's courts, temporal or spiritual.

1533. diction of this realm) already commenced, moved, depending, being, happening, or hereafter coming in contention, debate, or question within this realm, or within any the king's dominions, or marches of the same, or elsewhere, whether they concern the king our sovereign lord, his heirs and successors, or any other subjects or residents within the same, of what degree soever they be, shall be from henceforth heard, examined, discussed, clearly, finally, and definitively adjudged and determined within the king's jurisdiction and authority, and not elsewhere, in such courts spiritual and temporal of the same, as the natures, conditions, and qualities of the causes and matters aforesaid in contention, or hereafter happening in contention, shall require, without having any respect to any custom, use, or sufferance, in hindrance, let, or prejudice of the same, or to any other thing used or suffered to the contrary thereof by any other manner of person or persons in any manner of wise; any foreign inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications, restraints, judgments, or any other process or impediments, of what natures, names, qualities, or conditions soever they be, from the see of Rome, or any other foreign courts or potentates of the world, or from and out of this realm, or any other the king's dominions, or marches of the same, to the see of Rome, or to any other foreign courts or potentates, to the let or impediment thereof in any wise notwithstanding.

Any foreign inhibition, &c., notwithstanding.

And that it shall be lawful to the king our sovereign lord, and to his heirs and successors, and to all other subjects or residents within this realm, or within any the king's dominions, or marches of the same—notwithstanding that hereafter it should happen any excommengement, excommunications, interdictions, citations, or any other censures, or foreign process out of any outward parts, to be fulminate, provulged, declared, or put in execution within this said realm, or in any other place or places, for any of the causes

Only sentences pronounced in the king's courts to take effect.

before rehearsed, in prejudice, derogation, or contempt of this said Act, and the very true meaning and execution thereof—may and shall nevertheless as well pursue, execute, have, and enjoy the effects, profits, benefits, and commodities of all such processes, sentences, judgments, and determinations done, or hereafter to be done, in any of the said courts spiritual or temporal, as the cases shall require, within the limits, power, and authority of this the king's said realm, and dominions and marches of the same, and those only, and none other to take place, and to be firmly observed and obeyed within the same. 1533.

Clergy to celebrate service and administer sacraments to the subjects of the realm, notwithstanding any interdict or suspension from Rome.

As also, that all the spiritual prelates, pastors, ministers, and curates within this realm, and the dominions of the same, shall and may use, minister, execute and do, or cause to be used, ministered, executed and done, all sacraments, sacramentals, divine services, and all other things within the said realm and dominions, unto all the subjects of the same, as catholic and Christian men ought to do; any former citations, processes, inhibitions, suspensions, interdictions, excommunications, or appeals, for or touching the causes aforesaid, from or to the see of Rome, or any other foreign prince or foreign courts, to the let or contrary thereof in any wise notwithstanding.

Penalty for omitting to do so.

And if any of the said spiritual persons, by the occasion of the said fulminations of any of the same interdictions, censures, inhibitions, excommunications, appeals, suspensions, summons, or other foreign citations for the causes beforesaid, or for any of them, do at any time hereafter refuse to minister, or cause to be ministered, the said sacraments and sacramentals, and other divine services, in form as is aforesaid, shall for every such time or times that they or any of them do refuse so to do, or cause to be done, have one year's imprisonment, and to make fine and ransom at the king's pleasure.

And it is further enacted by the authority aforesaid, that

1533. Any attempting to procure an interdict, or appealing to Rome, will incur penalties under Statutes of Præmunire and Provisors.

if any person or persons inhabiting or resident within this realm, or within any of the king's said dominions, or marches of the same, or any other person or persons, of what estate, condition, or degree soever he or they be, at any time hereafter, for or in any the causes aforesaid, do attempt, move, purchase, or procure, from or to the see of Rome, or from or to any other foreign court or courts out of this realm, any manner foreign process, inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications, restraints, or judgments, of what nature, kind, or quality soever they be, or execute any of the same process, or do any act or acts to the let, impediment, hindrance, or derogation of any process, sentence, judgment, or determination had, made, done, or hereafter to be had, done, or made, in any courts of this realm, or the king's said dominions, or marches of the same, for any of the causes aforesaid, contrary to the true meaning of this present Act, and the execution of the same, that then every such person or persons so doing, and their fautors, comforters, abettors, procurers, executors, and counsellors, and every of them, being convict of the same, for every such default shall incur and run in the same pains, penalties, and forfeitures, ordained and provided by the Statute of Provision and Præmunire, made in the sixteenth year of the reign of the right noble prince King Richard II, against such as attempt, procure, or make provision to the see of Rome, or elsewhere, for any thing or things, to the derogation, or contrary to the prerogative or jurisdiction of the crown and dignity of this realm.

All appeals to be tried within the realm.

And furthermore, in eschewing the said great enormities, inquietations, delays, charges, and expenses hereafter to be sustained in pursuing of such appeals, and foreign process, for and concerning the causes aforesaid, or any of them, do therefore by authority aforesaid, ordain and enact, that in such cases where heretofore any of the king's subjects or

residents have used to pursue, provoke, or procure any appeal to the see of Rome, and in all other cases of appeals, in or for any of the causes aforesaid, they may and shall from henceforth take, have, and use their appeals within this realm, and not elsewhere, in manner and form as hereafter ensueth, and not otherwise; that is to say, first from the archdeacon, or his official, if the matter or cause be there begun, to the bishop diocesan of the said see, if in case any of the parties be grieved. And in like wise if it be commenced before the bishop diocesan, or his commissary, from the bishop diocesan, or his commissary, within fifteen days next ensuing the judgment or sentence thereof there given, to the Archbishop of the province of Canterbury, if it be within his province; and if it be within the province of York, then to the Archbishop of York; and so likewise to all other archbishops in other the king's dominions, as the case by order of justice shall require; and there to be definitively and finally ordered, decreed, and adjudged, according to justice, without any other appellation or provocation to any other person or persons, court or courts. 1533. Before whom and in what courts.

And if the matter or contention for any of the causes aforesaid be or shall be commenced, by any of the king's subjects or residents, before the archdeacon of any archbishop, or his commissary, then the party grieved shall or may take his appeal within fifteen days next after judgment or sentence there given, to the Court of the Arches, or audience, of the same archbishop or archbishops; and from the said Court of the Arches or audience, within fifteen days then next ensuing after judgment or sentence there given, to the archbishop of the same province, there to be definitively and finally determined, without any other or further process or appeal thereupon to be had or sued. Appeals ought to be made within fifteen days.

And it is further enacted by the authority aforesaid, that all and every matter, cause, and contention now depending, or that hereafter shall be commenced by any of the king's Suits commenced before an archbishop

1533. subjects or residents for any of the causes aforesaid, before any of the said archbishops, that then the same matter or matters, contention or contentions, shall be before the same archbishop where the said matter, cause, or process shall be so commenced, definitively determined, decreed, or adjudged, without any other appeal, provocation, or any other foreign process out of this realm, to be sued to the let or derogation of the said judgment, sentence, or decree, otherwise than is by this Act limited and appointed; saving always the prerogative of the Archbishop and Church of Canterbury, in all the foresaid cases of appeals, to him and to his successors, to be sued within this realm, in such and like wise as they have been accustomed and used to have heretofore.

to be determined by him without further appeal.

The prerogative of the Archbishop of Canterbury saved.

And in case any cause, matter, or contention, now depending for the causes before rehearsed, or any of them, or that hereafter shall come in contention for any of the same causes, in any of the foresaid courts, which has, does, shall, or may touch the king, his heirs or successors, kings of this realm; that in all and every such case or cases the party grieved, as before is said, shall or may appeal from any of the said courts of this said realm, where the said matter, now being in contention, or hereafter shall come in contention, touching the king, his heirs, or successors (as is aforesaid) shall happen to be ventilated, commenced or begun, to the spiritual prelates and other abbots and priors of the Upper House, assembled and convocate by the king's writ in the Convocation being, or next ensuing, within the province or provinces where the same matter of contention is or shall be begun; so that every such appeal be taken by the party grieved within fifteen days next after the judgment or sentence thereupon given or to be given; and that whatsoever be done, or shall be done and affirmed, determined, decreed, and adjudged by the foresaid prelates, abbots, and priors of the Upper House of the said Convoca-

Appeal, in causes touching the king, lies to the Upper House of Convocation for final determination.

tion, as is aforesaid, appertaining, concerning, or belonging to the king, his heirs, and successors, in any of these foresaid causes of appeals, shall stand and be taken for a final decree, sentence, judgment, definition, and determination, and the same matter, so determined, never after to come in question and debate, to be examined in any other court or courts. 1533.

And if it shall happen any person or persons hereafter to pursue or provoke any appeal contrary to the effect of this Act, or refuse to obey, execute, and observe all things comprised within the same, concerning the said appeals, provocations, and other foreign processes to be sued out of this realm, for any the causes aforesaid, that then every such person or persons so doing, refusing, or offending contrary to the true meaning of this Act, their procurers, fautors, advocates, counsellors, and abettors, and every of them, shall incur into the pains, forfeitures, and penalties ordained and provided in the said statute made in the said sixteenth year of King Richard II, and with like process to be made against the said offenders, as in the same statute made in the said sixteenth year more plainly appears. Penalty for not observing this Act.

LI.

THE SUBMISSION OF THE CLERGY AND RESTRAINT OF APPEALS, A.D. 1534.

25 HENRY VIII, CAP. 19.

THIS statute, and the two following, Nos. LII and LIII, passed in 1534, were all repealed by 1 & 2 Philip and Mary, cap. 8 (*post*, No. LXXVI), and were revived by 1 Elizabeth, cap. 1 (*post*, No. LXXIX). 1534.

[Transcr. Statutes of the Realm, iii. 460.]

Where the king's humble and obedient subjects, the clergy of this realm of England, have not only acknow- Recital of acknow-

1534. ledged according to the truth, that the convocations of the same clergy is, always has been, and ought to be assembled only by the king's writ, but also submitting themselves to the king's majesty, have promised *in verbo sacerdotii*, that they will never from henceforth presume to attempt, allege, claim, or put in ure, or enact, promulge, or execute any new canons, constitutions, ordinance provincial, or other, or by whatsoever other name they shall be called, in the Convocation, unless the king's most royal assent and licence may to them be had, to make, promulge, and execute the same; and that his majesty do give his most royal assent and authority in that behalf:

Acknowledgment by clergy that Convocation is properly assembled by king's writ only.

And where divers constitutions, ordinances, and canons, provincial or synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the king's prerogative royal, and repugnant to the laws and statutes of this realm, but also overmuch onerous to his highness and his subjects; the said clergy have most humbly besought the king's highness, that the said constitutions and canons may be committed to the examination and judgment of his highness, and of two-and-thirty persons of the king's subjects, whereof sixteen to be of the upper and nether house of the Parliament of the temporalty, and the other sixteen to be of the clergy of this realm; and all the said two-and-thirty persons to be chosen and appointed by the king's majesty; and that such of the said constitutions and canons, as shall be thought and determined by the said two-and-thirty persons, or the more part of them, worthy to be abrogated and annulled, shall be abolished and made of no value accordingly; and such other of the same constitutions and canons, as by the said two-and-thirty, or the more part of them, shall be approved to stand with the laws of God, and consonant to the laws of this realm, shall stand in their full strength and power, the king's most royal assent first had and obtained to the same:

Many acts of Convocation have been prejudicial to king's prerogative and laws of the realm.

Request for consideration of these by a committee of Parliament.

1534.

The clergy shall not enact without king's assent.

Be it therefore now enacted by authority of this present Parliament, according to the said submission and petition of the said clergy, that they, nor any of them, from henceforth shall presume to attempt, allege, claim or put in ure any constitutions or ordinances, provincial or synodal, or any other canons; nor shall enact, promulge, or execute any such canons, constitutions, or ordinance provincial, by whatsoever name or names they may be called, in their convocations in time coming (which alway shall be assembled by authority of the king's writ), unless the same clergy may have the king's most royal assent and licence to make, promulge, and execute such canons, constitutions, and ordinances, provincial or synodal, upon pain of every one of the said clergy doing contrary to this Act, and being thereof convict, to suffer imprisonment, and make fine at the king's will.

Convocation shall be assembled by king's writ.

Shortness of time precludes consideration of canons by a committee constituted as in the prayer abovesaid.

Nomination of committee given to king; canons to be abolished or continued as expedient.

And forasmuch as such canons, constitutions, and ordinance, as heretofore have been made by the clergy of this realm, cannot now at the session of this present Parliament, by reason of shortness of time, be viewed, examined, and determined by the king's highness, and thirty-two persons to be chosen and appointed according to the petition of the said clergy in form above rehearsed: be it therefore enacted by authority aforesaid, that the king's highness shall have power and authority to nominate and assign, at his pleasure, the said two-and-thirty persons of his subjects, whereof sixteen to be of the clergy, and sixteen to be of the temporalty of the upper and nether house of the Parliament; and if any of the said two-and-thirty persons so chosen shall happen to die before their full determination, then his highness to nominate other from time to time of the said two houses of the Parliament, to supply the number of the said two-and-thirty; and that the same two-and-thirty, by his highness so to be named, shall have power and authority to view, search, and examine the said canons, constitu-

1534. tions, and ordinances, provincial and synodal, heretofore made, and such of them as the king's highness and the said two-and-thirty, or the more part of them, shall deem and adjudge worthy to be continued, kept, and obeyed, shall be from thenceforth kept, obeyed, and executed within this realm, so that the king's most royal assent under his great seal be first had to the same; and the residue of the said canons, constitutions, or ordinance provincial, which the king's highness, and the said two-and-thirty persons or the more part of them, shall not approve, or deem and judge worthy to be abolished, abrogate, and made frustrate, shall from thenceforth be void and of none effect, and never be put in execution within this realm. Provided alway, that no canons, constitutions, or ordinance shall be made or put in execution within this realm by authority of the convocation of the clergy, which shall be contrariant or repugnant to the king's prerogative royal, or the customs, laws, or statutes of this realm; anything contained in this Act to the contrary hereof notwithstanding.

No canons to be executed contrary to king's prerogative or the law.

No appeals to Rome; appeals shall be according to the statute 24 Hen. VIII, c. 12, *vide ante*, No. L.

And be it further enacted by authority aforesaid, that from the feast of Easter, which shall be in the year of our Lord God 1534, no manner of appeals shall be had, provoked, or made out of this realm, or out of any of the king's dominions, to the Bishop of Rome, nor to the see of Rome, in any causes or matters happening to be in contention, and having their commencement or beginning in any of the courts within this realm, or within any the king's dominions, of what nature, condition, or quality soever they be of; but that all manner of appeals, of what nature or condition soever they be of, or what cause or matter soever they concern, shall be made and had by the parties grieved, or having cause of appeal, after such manner, form, and condition, as is limited for appeals to be had and prosecuted within this realm in causes of matrimony, tithes, oblations and obventions, by a statute thereof made and established

since the beginning of this present Parliament, and according to the form and effect of the said statute; any usage, custom, prescription, or any thing or things to the contrary hereof notwithstanding. 1534.

Appeals from the archbishops' courts lie to Chancery, to be determined by commissioners.

And for lack of justice at or in any the courts of the archbishops of this realm, or in any the king's dominions, it shall be lawful to the parties grieved to appeal to the king's majesty in the king's Court of Chancery; and that upon every such appeal, a commission shall be directed under the great seal to such persons as shall be named by the king's highness, his heirs or successors, like as in case of appeal from the admiral's court, to hear and definitively determine such appeals, and the causes concerning the same. Which commissioners, so by the king's highness, his heirs or successors, to be named or appointed shall have full power and authority to hear and definitively determine every such appeal, with the causes and all circumstances concerning the same; and that such judgment and sentence, as the said commissioners shall make and decree, in and upon any such appeal, shall be good and effectual, and also definitive; and no further appeals to be had or made from the said commissioners for the same.

Penalty of præmunire for appealing to Rome, or executing any process from thence.

And if any person or persons, at any time after the said feast of Easter, provoke or sue any manner of appeals, of what nature or condition soever they be of, to the said Bishop of Rome, or to the see of Rome, or do procure or execute any manner of process from the see of Rome, or by authority thereof, to the derogation or let of the due execution of this Act, or contrary to the same, that then every such person or persons so doing, their aiders, counsellors, and abettors, shall incur and run into the dangers, pains, and penalties contained and limited in the Act of Provision and Præmunire made in the sixteenth year of the king's most noble progenitor, King Richard II, against such

1534. as sue to the Court of Rome against the king's crown and prerogative royal.

Appeals from courts of abbots, &c., lying direct to Rome now to be made to king in Chancery.

Provided always, that all manner of provocations and appeals hereafter to be had, made, or taken from the jurisdiction of any abbots, priors, and other heads and governors of monasteries, abbeys, priories, and other houses and places exempt, in such cases as they were wont or might afore the making of this Act, by reason of grants or liberties of such places exempt, to have or make immediately any appeal or provocation to the Bishop of Rome, otherwise called pope, or to the see of Rome, that in all these cases every person and persons, having cause of appeal or provocation, shall and may take and make their appeals and provocations immediately to the king's majesty of this realm, into the Court of Chancery, in like manner and form as they used afore to do to the see of Rome; which appeals and provocations so made, shall be definitively determined by authority of the king's commission, in such manner and form as in this Act is above mentioned; so that no archbishop or bishop of this realm shall intermit or meddle with any such appeals, otherwise or in any other manner than they might have done afore the making of this Act; anything in this Act to the contrary thereof notwithstanding.

Certain canons, &c., continued still in force.

Provided also, that such canons, constitutions, ordinances, and synodals provincial being already made, which be not contrariant or repugnant to the laws, statutes, and customs of this realm, nor to the damage or hurt of the king's prerogative royal, shall more still be used and executed as they were afore the making of this Act, till such time as they be viewed, searched, or otherwise ordered and determined by the said two-and-thirty persons, or the more part of them, according to the tenor, form, and effect of this present Act.

LII.

THE ECCLESIASTICAL APPOINTMENTS ACT—THE ABSOLUTE RESTRAINT OF ANNATES, ELECTION OF BISHOPS, AND LETTERS MISSIVE ACT, A. D. 1534.

25 HENRY VIII, CAP. 20.

1534.

SEE introduction to preceding document, and compare with No. XLIX. This Act was passed in 1534, and was repealed—so far as it related to episcopal election—by the Act of 1 Edward VI, cap. 2, which substituted direct nomination of bishops by the Crown. The last Act was repealed by 1 Mary, stat. 2, cap. 2 (*post*, No. LXXIII), and never re-enacted.

[Transcr. Statutes of the Realm, iii. 462.]

Recital of the Act for the conditional restraint of annates (*vide ante* No. XLIX).

Where since the beginning of this present Parliament, for repression of the exaction of annates and first-fruits of archbishoprics and bishoprics of this realm wrongfully taken by the Bishop of Rome, otherwise called the pope, and the see of Rome, it is ordained and established by an Act, among other things, that the payments of the annates or first-fruits, and all manner contributions of the same, for any such archbishopric or bishopric, or for any bulls to be obtained from the see of Rome, to or for the said purpose or intent, should utterly cease, and no such to be paid for any archbishopric or bishopric within this realm, otherwise than in the same Act is expressed: and that no manner of person or persons to be named, elected, presented, or postulated to any archbishopric or bishopric within this realm, should pay the said annates or first-fruits, nor any other manner of sum or sums of money, pensions or annuities for the same, or for any other like exaction or cause, upon pain to forfeit to our sovereign lord the king, his heirs and successors, all

1534. manner his goods and chattels for ever, and all the temporal lands and possessions of the said archbishopric or bishopric during the time that he or they that should offend contrary to the said Act, should have, possess, and enjoy the said archbishopric or bishopric. And it is further enacted, that if any person named or presented to the see of Rome by the king's highness, or his heirs and successors, to be bishop of any see or diocese within this realm, should happen to be let, delayed, or deferred at the see of Rome from any such bishopric whereunto he should be so presented, by means of restraint of bulls of the said Bishop of Rome, otherwise called the pope, and other things requisite to the same, or should be denied at the see of Rome, upon convenient suit made, for any bulls requisite for any such cause, that then every person so presented might or should be consecrated here in England by the archbishop in whose province the said bishopric shall be; so always, that the same person should be named and presented by the king for the time being to the said archbishop. And if any person being named and presented as is before said, to any archbishopric of this realm, making convenient suit, as is aforesaid, should happen to be let, delayed, deferred, or otherwise disturbed from the said archbishopric, for lack of pall, bulls, or other things to him requisite to be obtained at the see of Rome, that then every such person so named and presented to the archbishop, might and should be consecrated and invested, after presentation made as is aforesaid, by any other two bishops within this realm, whom the king's highness, or any his heirs or successors, kings of England, would appoint and assign for the same, according and after like manner as divers archbishops and bishops have been heretofore in ancient time by sundry the king's most noble progenitors made, consecrated, and invested within this realm. And it is further enacted by the said Act, that every archbishop and bishop, being named and

presented by the king's highness, his heirs and successors, kings of England, and being consecrated and invested, as is aforesaid, should be installed accordingly, and should be accepted, taken and reputed, used and obeyed as an archbishop or bishop of the dignity, see, or place whereunto he shall be so named, presented, and consecrated, and as other like prelates of that province, see, or diocese have been used, accepted, taken, and obeyed, which have had and obtained completely their bulls and other things requisite in that behalf from the see of Rome, and also should fully and entirely have and enjoy all the spiritualties and temporalties of the said archbishopric or bishopric, in as large, ample, and beneficial manner, as any of his or their predecessors had or enjoyed in the said archbishopric or bishopric, satisfying and yielding unto the king's highness, and to his heirs and successors, all such duties, rights, and interests as beforetime have been accustomed to be paid for any such archbishopric or bishopric, according to the ancient laws and customs of this realm and the king's prerogative royal, as in the said Act amongst other things is more at large mentioned. 1534.

The pope, though informed of this Act, has proposed no redress,

And albeit the said Bishop of Rome, otherwise called the pope, has been informed and certified of the effectual contents of the said Act, to the intent that by some gentle ways the said exactions might have been redressed and reformed, yet nevertheless the said Bishop of Rome hitherto has made no answer of his mind therein to the king's highness, nor devised nor required any reasonable ways to and with our said sovereign lord for the same:

therefore the king consents to the aforesaid statute.

Wherefore his most royal majesty of his most excellent goodness, for the wealth and profit of this his realm and subjects of the same, has not only put his most gracious and royal assent to the aforesaid Act, but also has ratified and confirmed the same, and every clause and article therein contained, as by his letters patent under his great seal

1534. enrolled in the Parliament roll of this present Parliament more at large is contained.

None shall be presented to Rome for the dignity of an archbishop or bishop; nor annates or first-fruits be paid to the same see.

And forasmuch as in the said Act it is not plainly and certainly expressed in what manner and fashion archbishops and bishops shall be elected, presented, invested, and consecrated within this realm, and in all other the king's dominions; be it now therefore enacted by the king our sovereign lord, by the assent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that the said Act and everything therein contained shall be and stand in strength, virtue, and effect; except only, that no person or persons hereafter shall be presented, nominated, or commended to the said Bishop of Rome, otherwise called the pope, or to the see of Rome, to or for the dignity or office of any archbishop or bishop within this realm, or in any other the king's dominions, nor shall send nor procure there for any manner of bulls, briefs, palls, or other things requisite for an archbishop or bishop, nor shall pay any sums of money for annates, first-fruits nor otherwise, for expedition of any such bulls, briefs, or palls; but that by the authority of this Act, such presenting, nominating, or commending to the said Bishop of Rome, or to the see of Rome, and such bulls, briefs, palls, annates, first-fruits, and every other sums of money heretofore limited, accustomed, or used to be paid at the said see of Rome, for procuration or expedition of any such bulls, briefs, or palls, or other thing concerning the same, shall utterly cease and no longer be used within this realm, or within any the king's dominions; anything contained in the said Act aforementioned, or any use, custom, or prescription to the contrary thereof notwithstanding.

Archbishops and bishops to

And furthermore be it ordained and established by the authority aforesaid, that at every avoidance of every archbishopric or bishopric within this realm, or in any other

the king's dominions, the king our sovereign lord, his heirs and successors, may grant to the prior and convent, or the dean and chapter of the cathedral churches or monasteries where the see of such archbishopric or bishopric shall happen to be void, a licence under the great seal, as of old time has been accustomed, to proceed to election of an archbishop or bishop of the see so being void, with a letter missive, containing the name of the person which they shall elect and choose: by virtue of which licence the said dean and chapter, or prior and convent, to whom any such licence and letters missive shall be directed, shall with all speed and celerity in due form elect and choose the said person named in the said letters missive, to the dignity and office of the archbishopric or bishopric so being void, and none other. 1534. be elected by priors and convents or deans and chapters on the king's nomination only.

And if they do defer or delay their election above twelve days next after such licence and letters missive to them delivered, that then for every such default the king's highness, his heirs and successors, at their liberty and pleasure shall nominate and present, by their letters patent under their great seal, such a person to the said office and dignity so being void, as they shall think able and convenient for the same. In default of such election, the king shall appoint by letters patent.

And that every such nomination and presentment to be made by the king's highness, his heirs and successors, if it be to the office and dignity of a bishop, shall be made to the archbishop and metropolitan of the province where the see of the same bishopric is void, if the see of the said archbishopric be then full, and not void; and if it be void, then to be made to such archbishop or metropolitan within this realm, or in any the king's dominions, as shall please the king's highness, his heirs or successors: and if any such nomination or presentment shall happen to be made for default of such election to the dignity or office of any archbishop, then the king's highness, his heirs and succes- To whom such appointment shall be made.

1534. sors, by his letters patent under his great seal, shall nominate and present such person, as they will dispose to have the said office and dignity of archbishopric being void, to one such archbishop and two such bishops, or else to four such bishops within this realm, or in any of the king's dominions, as shall be assigned by our said sovereign lord, his heirs or successors.

Manner of consecration of an archbishop or bishop.

And be it further enacted by the authority aforesaid, that whensoever any such presentment or nomination shall be made by the king's highness, his heirs or successors, by virtue and authority of this Act, and according to the tenor of the same; that then every archbishop and bishop, to whose hands any such presentment and nomination shall be directed, shall with all speed and celerity invest and consecrate the person nominate and presented by the king's highness, his heirs or successors, to the office and dignity that such person shall be so presented unto, and give and use to him pall, and all other benedictions, ceremonies, and things requisite for the same, without suing, procuring, or obtaining hereafter any bulls or other things at the see of Rome, for any such office or dignity in any behalf.

If priors and convents or deans and chapters elect king's nominee, such election shall stand.

And if the said dean and chapter, or prior and convent, after such licence and letters missive to them directed, within the said twelve days do elect and choose the said person mentioned in the said letters missive, according to the request of the king's highness, his heirs or successors, thereof to be made by the said letters missive in that behalf, then their election shall stand good and effectual to all intents.

The person so elected to be known as bishop-elect.

And that the person so elected, after certification made of the same election under the common and convent seal of the electors, to the king's highness, his heirs or successors, shall be reputed and taken by the name of lord elected of the said dignity and office that he shall be elected unto.

1534.

He shall do fealty to the king, who shall thereupon signify his election, confirm it, and direct consecration.

And then making such oath and fealty only to the king's majesty, his heirs and successors, as shall be appointed for the same, the king's highness, by his letters patent under his great seal, shall signify the said election, if it be to the dignity of a bishop, to the archbishop and metropolitan of the province where the see of the said bishopric was void, if the see of the said archbishop be full and not void; and if it be void, then to any other archbishop within this realm, or in any other the king's dominions; requiring and commanding such archbishop, to whom any such signification shall be made, to confirm the said election, and to invest and consecrate the said person so elected to the office and dignity that he is elected unto, and to give and use to him all such benedictions, ceremonies, and other things requisite for the same, without any suing, procuring, or obtaining any bulls, letters, or other things from the see of Rome for the same in any behalf. And if the person be elected to the office and dignity of an archbishop, according to the tenor of this Act, then after such election certified to the king's highness in form aforesaid, the same person so elected to the office and dignity of an archbishop shall be reputed and taken lord elect to the said office and dignity of archbishop, whereunto he shall be so elected; and then after he has made such oath and fealty only to the king's majesty, his heirs and successors, as shall be limited for the same, the king's highness, by his letters patent under his great seal, shall signify the said election to one archbishop and two other bishops, or else to four bishops within this realm, or within any other the king's dominions, to be assigned by the king's highness, his heirs or successors, requiring and commanding the said archbishop and bishops, with all speed and celerity, to confirm the said election, and to invest and consecrate the said person so elected to the office and dignity that he is elected unto, and to give and use to him such pall, benedictions,

1534. ceremonies, and all other things requisite for the same, without suing, procuring, or obtaining any bulls, briefs, or other things at the said see of Rome, or by the authority thereof in any behalf.

Archbishops or bishops, so nominated, elected, and consecrated, shall execute their office as lawfully as any other archbishop or bishop of the realm.

And be it further enacted by authority aforesaid, that every person and persons being hereafter chosen, elected, nominate, presented, invested, and consecrated to the dignity or office of any archbishop or bishop within this realm, or within any other the king's dominions, according to the form, tenor, and effect of this present Act, and suing their temporalties out of the king's hands, his heirs or successors, as has been accustomed, and making a corporal oath to the king's highness, and to none other, in form as is afore rehearsed, shall and may from henceforth be thronized or installed, as the case shall require, and shall have and take their only restitution out of the king's hands, of all the possessions and profits spiritual and temporal, belonging to the said archbishopric or bishopric whereunto they shall be so elected or presented, and shall be obeyed in all manner of things, according to the name, title, degree, and dignity that they shall be so chosen or presented unto, and do and execute in every thing and things touching the same, as any archbishop or bishop of this realm, without offending the prerogative royal of the crown and the laws and customs of this realm, might at any time heretofore do.

Penalty for not electing or not consecrating a bishop named by king.

And be it further enacted by the authority aforesaid, that if the prior and convent of any monastery, or dean and chapter of any cathedral church, where the see of any archbishop or bishop is within any of the king's dominions, after such licence as is afore rehearsed, shall be delivered to them, proceed not to election, and signify the same according to the tenor of this Act, within the space of twenty days next after such licence shall come to their hands; or else if any archbishop or bishop, within any

the king's dominions, after any such election, nomination, or presentation shall be signified unto them by the king's letters patent, shall refuse, and do not confirm, invest, and consecrate with all due circumstance as is aforesaid, every such person as shall be so elected, nominate, or presented, and to them signified as is above mentioned, within twenty days next after the king's letters patent of such signification or presentation shall come to their hands; or else if any of them, or any other person or persons, admit, maintain, allow, obey, do or execute any censures, excommunications, interdictions, inhibitions, or any other process or act, of what nature, name, or quality soever it be, to the contrary, or let of due execution of this Act; that then every prior and particular person of his convent, and every dean and particular person of the chapter, and every archbishop and bishop, and all other persons, so offending and doing contrary to this Act, or any part thereof, and their aiders, counsellors, and abetters, shall run into the dangers, pains, and penalties of the Statute of the Provision and Præmunire, made in the five-and-twentieth year of the reign of King Edward III, and in the sixteenth year of King Richard II. 1534.

LIII.

ACT FORBIDDING PAPAL DISPENSATIONS AND THE PAYMENT OF PETER'S PENCE, A.D. 1534.

25 HENRY VIII, CAP. 21.

SEE introduction to document No. LI.

[Transcr. Statutes of the Realm, iii. 464.]

Most humbly beseeching your most royal majesty, your obedient and faithful subjects, the Commons of this your present Parliament assembled, by your most dread com- Prayer of the Commons against

1534. exactions at Rome.

mandment, that where your subjects of this your realm, and of other countries and dominions, being under your obeisance, by many years past have been, and yet be greatly decayed and impoverished, by such intolerable exactions of great sums of money as have been claimed and taken, and yet continually be claimed to be taken out of this your realm, and other your said countries and dominions, by the Bishop of Rome, called the pope, and the see of Rome, as well in pensions, censes, Peter-pence, procurations, fruits, suits for provisions and expeditions of bulls for archbishoprics and bishoprics, and for delegacies, and rescripts in causes of contentions and appeals, jurisdictions legatine, and also for dispensations, licences, faculties, grants, relaxations, writs called *perinde valere*, rehabilitations, abolitions, and other infinite sorts of bulls, briefs, and instruments of sundry natures, names, and kinds, in great numbers heretofore practised and obtained otherwise than by the laws, laudable uses, and customs of this realm should be permitted, the specialties whereof be over long, large in number, and tedious here particularly to be inserted; wherein the Bishop of Rome aforesaid has not been only to be blamed for his usurpation in the premises, but also for his abusing and beguiling your subjects, pretending and persuading to them that he has full power to dispense with all human laws, uses, and customs of all realms, in all causes which be called spiritual, which matter has been usurped and practised by him and his predecessors by many years, in great derogation of your imperial crown and authority royal, contrary to right and conscience:

Recital that this realm is free from laws of man not devised within the same.

For where this your grace's realm recognizing no superior under God, but only your grace, has been and is free from subjection to any man's laws, but only to such as have been devised, made, and ordained within this realm, for the wealth of the same, or to such other as, by sufferance of your grace and your progenitors, the people of this

your realm have taken at their free liberty, by their own consent to be used amongst them, and have bound themselves by long use and custom to the observance of the same, not as to the observance of the laws of any foreign prince, potentate, or prelate, but as to the accustomed and ancient laws of this realm, originally established as laws of the same, by the said sufferance, consents, and custom, and none otherwise : 1534.

The power of the king and Parliament to dispense with, alter, or annul the human laws of this realm.

It stands therefore with natural equity and good reason, that in all and every such laws human made within this realm, or induced into this realm by the said sufferance, consents, and custom, your royal majesty, and your lords spiritual and temporal, and Commons, representing the whole state of your realm, in this your most High Court of Parliament, have full power and authority, not only to dispense, but also to authorize some elect person or persons to dispense with those, and all other human laws of this your realm, and with every one of them, as the quality of the persons and matter shall require; and also the said laws, and every of them, to abrogate, annul, amplify, or diminish, as it shall be seen unto your majesty, and the nobles and Commons of your realm present in your Parliament, meet and convenient for the wealth of your realm, as by divers good and wholesome Acts of Parliaments, made and established as well in your time, as in the time of your most noble progenitors, it may plainly and evidently appear :

Remedy called for.

And because that it is now in these days present seen, that the state, dignity, superiority, reputation, and authority of the said imperial crown of this realm, by the long sufferance of the said unreasonable and uncharitable usurpations and exactions practised in the times of your most noble progenitors, is much and sore decayed and diminished, and the people of this realm thereby impoverished, and so or worse be like to continue, if remedy be not therefor shortly provided :

1534. Payment of Peter's pence, or other impositions, to Rome forbidden.

It may therefore please your most noble majesty, for the honour of Almighty God, and for the tender love, zeal, and affection that ye bear, and always have borne to the wealth of this your realm and subjects of the same, forasmuch as your majesty is supreme head of the Church of England, as the prelates and clergy of your realm, representing the said Church, in their synods and convocations have recognized, in whom consisteth full power and authority, upon all such laws as have been made and used within this realm, to ordain and enact, by the assent of your lords spiritual and temporal, and the Commons in this your present Parliament assembled, and by authority of the same, that no person or persons of this your realm, or of any other your dominions, shall from henceforth pay any pensions, censes, portions, Peter-pence or any other impositions, to the use of the said bishop, or the see of Rome, like as heretofore they have used, by usurpation of the said Bishop of Rome and his predecessors, and sufferance of your highness, and your most noble progenitors, to do; but that all such pensions, censes, portions and Peter-pence, which the said Bishop of Rome, otherwise called the pope, has heretofore taken and perceived, or caused to be taken and perceived to his use, and his chambers which he calls apostolic, by usurpation and sufferance, as is abovesaid, within this your realm, or any other your dominions, shall from henceforth clearly surcease, and never more be levied, taken, perceived, nor paid to any person or persons in any manner of wise; any constitution, use, prescription, or custom to the contrary thereof notwithstanding.

No person —king or subject— shall sue for any dispensation or licence

And be it further enacted by the authority aforesaid, that neither your highness, your heirs nor successors, kings of this realm, nor any your subjects of this realm, nor of any other your dominions, shall from henceforth sue to the said Bishop of Rome, called the pope, or to the see of Rome, or to any person or persons having or pretending any autho-

rity by the same, for licences, dispensations, compositions, faculties, grants, rescripts, delegacies, or any other instruments or writings, of what kind, name, nature, or quality soever they be of, for any cause or matter, for the which any licence, dispensation, composition, faculty, grant, rescript, delegacy, instrument, or other writing, heretofore has been used and accustomed to be had and obtained at the see of Rome, or by authority thereof, or of any prelate of this realm; nor for any manner of other licences, dispensations, compositions, faculties, grants, rescripts, delegacies, or any other instruments or writings that in causes of necessity may lawfully be granted without offending of the Holy Scriptures and laws of God: 1534. from Rome.

But that from henceforth every such licence, dispensation, composition, faculty, grant, rescript, delegacy, instrument, and other writing afore named and mentioned, necessary for your highness, your heirs or successors, and your and their people and subjects, upon the due examinations of the causes and qualities of the persons procuring such dispensations, licences, compositions, faculties, grants, rescripts, delegacies, instruments, or other writings, shall be granted, had, and obtained, from time to time, within this your realm, and other your dominions, and not elsewhere, in manner and form following, and none otherwise; that is to say: All such to be had within the realm.

The Archbishop of Canterbury for the time being, and his successors, shall have power and authority, from time to time, by their discretions, to give, grant, and dispose, by an instrument under the seal of the said archbishop, unto your majesty, and to your heirs and successors, kings of this realm, as well all manner such licences, dispensations, compositions, faculties, grants, rescripts, delegacies, instruments, and all other writings, for causes not being contrary or repugnant to the Holy Scriptures and laws of God, as heretofore has been used and accustomed to be had and obtained by your highness, or any your most noble pro- Power of the Archbishop of Canterbury to grant dispensations to the king,

1534. genitors, or any of your or their subjects, at the see of Rome, or any person or persons by authority of the same; and all other licences, dispensations, faculties, compositions, grants, rescripts, delegacies, instruments, and other writings, in, for, and upon all such causes and matters as shall be convenient and necessary to be had, for the honour and surety of your highness, your heirs and successors, and the wealth and profit of this your realm; so that the said archbishop, or any of his successors, in no manner wise shall grant any dispensation, licence, rescript, or any other writing afore rehearsed, for any cause or matter repugnant to the law of Almighty God.

and to the subject. Be it also enacted by authority aforesaid, that the said archbishop and his successors, after good and due examination, by them had, of the causes and qualities of the persons procuring for licences, dispensations, compositions, faculties, delegacies, rescripts, instruments, or other writings, shall have full power and authority by themselves, or by their sufficient and substantial commissary or deputy, by their discretions, from time to time, to grant and dispose, by an instrument under the name and seal of the said archbishop, as well to any of your subjects, as to the subjects of your heirs and successors, all manner licences, dispensations, faculties, compositions, delegacies, rescripts, instruments, or other writings, for any such cause or matter, whereof heretofore such licences, dispensations, compositions, faculties, delegacies, rescripts, instruments, or writings, have been accustomed to be had at the see of Rome, or by authority thereof, or of any prelate of this realm.

No licence or dispensation shall be granted unaccustomed to be had at Rome, And that the said archbishop and his commissary shall not grant any other licence, dispensation, composition, faculty, writing, or instrument, in causes unwont and not accustomed to be had or obtained at the Court of Rome, nor by any authority thereof, nor by any prelate of this realm, until your grace, your heirs or successors, or your

or their council shall first be advertised thereof, and determine whether such licences, dispensations, compositions, faculties, or other writings, in such causes unwont and not accustomed to be dispensed withal or obtained, shall commonly pass as other dispensations, faculties, or other writings, shall, or no, upon pain that the grantors of every such licence, dispensation, or writing, in such causes unwont, contrary to this Act, shall make fine at the will and pleasure of your grace, your heirs and successors; and if it be thought and determined by your grace, your heirs or successors, or your or their council, that dispensations, faculties, licences, or other writings, in any such cause unwont, shall pass, then the said archbishop or his commissary, having licence of your highness, your heirs or successors for the same, by your or their bill assigned, shall dispense with them accordingly. 1534. except by approbation of the king and council.

Provided always, that no manner of dispensations, licences, faculties, or other rescripts or writings hereafter to be granted to any person or persons, by virtue or authority of this Act, by the said archbishop or his commissary being of such importance, that the tax of the expedition thereof at Rome extended to the sum of 4*l.* or above, shall in any wise be put in execution, till the same licence, dispensation, faculty, rescript, or other writing, of what name or nature soever it be of, be first confirmed by your highness, your heirs or successors, kings of this realm, under the great seal, and enrolled in your chancery in a roll, by a clerk to be appointed for the same; and that this Act shall be a sufficient warrant to the Chancellor of England for the time being, or to him whom your grace, your heirs or successors, shall depute to be keeper of the great seal, to confirm in your name, your heirs or successors, the aforesaid writings, passed under the said archbishop's seal, by letters patent, in due form thereof to be made under your great seal, remitting as well the said writing under the King's confirmation required, in some cases, before archbishop's dispensation can be put in execution.

1534. archbishop's seal, as the said confirmation under the great seal, to the parties from time to time procuring for the same:

What dispensations may be granted without such confirmation.

And that all such licences, dispensations, faculties, and other rescripts and writings, for the expedition of the which the said taxes to be paid at Rome were under 4*l.*, which be matters of no great importance, shall pass only by the archbishop's seal, and shall not of any necessity be confirmed by the great seal, unless the procurers of such licence, faculty, or dispensation desire to have them so confirmed; in which case they shall pay for the said great seal, to the use of your highness, your heirs and successors, 5*s.* sterling, and not above, over and besides such tax as shall be hereafter limited for the making, writing, registering, confirming, and enrolling of such licences, confirmations, and writings under the said tax of 4*l.*

All acts done by virtue of any of the aforesaid licences shall be good and of force in law.

And that every such licence, dispensation, composition, faculty, rescript, and writing, of what name or nature soever it be, for such causes as the tax was wont to be 4*l.* or above, so granted by the archbishop, and confirmed under the great seal, and all other licences, dispensations, faculties, rescripts, and writings hereafter to be granted by the archbishop by virtue and authority of this Act, whereunto the great seal is not limited of necessity to be put to, by reason that the tax of them is under 4*l.*, shall be accepted, approved, allowed, and admitted good and effectual in the law, in all places, courts, and jurisdictions, as well spiritual as temporal, within this realm, and elsewhere within your dominions, and as beneficial to the persons obtaining the same, as they should have been if they had been obtained, with all things requisite, of the see of Rome, or of any other person by authority thereof, without any revocation or repeal hereafter to be had of any such licences, dispensations, faculties, rescripts, or writings, of what nature soever they be.

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Children born after marriages had by virtue of such licences held legitimate.

And that all children procreated after solemnization of any marriages to be had or done by virtue of such licences or dispensations, shall be admitted, reputed, and taken legitimate in all courts, as well spiritual as temporal, and in all other places, and inherit the inheritance of their parents and ancestors within this your realm, and all other your dominions, according to the laws and customs of the same; and all acts to be done, had, or executed according to the tenor of such licences, dispensations, faculties, writings, or other instruments, to be made or granted by authority of this Act, shall be firm, permanent, and remain in force; any foreign laws, constitutions, decrees, canons, decretals, inhibitions, use, custom, prescription, or any other thing had, or hereafter to be made to the contrary notwithstanding.

Registration of archbishop's dispensations and king's confirmations.

And be it further enacted, that the said archbishop and his successors shall have power and authority to ordain, make, and constitute a clerk, which shall write and register every such licence, dispensation, faculty, writing, or other instrument to be granted by the said archbishop, and shall find parchment, wax, and silken laces convenient for the same, and shall take for his pains such sums of money as shall be hereafter in this present Act to him limited in that behalf for the same; and that likewise your grace, your heirs and successors, shall by your letters patent, under your great seal, ordain, depute, and constitute one sufficient clerk, being learned in the course of the chancery, which shall always be attendant upon the lord chancellor, or the lord keeper of the great seal, for the time being, and shall make, write, and enrol the confirmations of all such licences, dispensations, instruments, and other writings as shall be thither brought under the archbishop's seal, there to be confirmed and enrolled; and shall also entitle in his books, and enrol of record, such other writings as shall thither be brought under the archbishop's seal, not to be confirmed, taking for his pains such reasonable sums of money as

1534. hereafter by this Act to him shall be limited for the same; and that as well the said clerk appointed by the said archbishop, as the said clerk to be appointed by your highness, your heirs or successors, shall subscribe their names to every such licence, dispensation, faculty, or other writing that shall come to their hands to be written, made, granted, sealed, confirmed, registered, and enrolled by authority of this Act, in form as is before rehearsed.

Recital of existing grievances in fees for expediting business at Rome.

And forasmuch as the charges of obtaining the said licences, dispensations, faculties, and other rescripts or writings aforenamed, at the Court of Rome, by the losses and exchanges, and in conducting of couriers, and waging solicitors to sue for any such licences, dispensations, faculties, instruments, and other rescripts or writings, have been grievous and excessive to your people, and many times greater sums have been demanded for the speedy expedition in the Court of Rome, than be expressed in the old tax limited to be paid for the said expeditions, whereby your people have been brought to an uncertainty upon the payment for expeditions of such things, and by reason thereof have been constrained to pay more than they were wont to do, to the great impoverishing of this realm, as is aforesaid: and sometimes the speeding of such dispensations, faculties, licences, and other writings at Rome has been so long deferred, that the parties labouring for the same have suffered great incommodities and loss for lack of quick speed, which hereafter may be had within this your realm, to the great commodity of your people, whereby the charges of making exchanges, conducting of couriers, and solicitors, for the said dispensations, shall be abated, and your people so much relieved and eased; to the intent that all ambi-

To avoid these,

guity, and uncertainty of payments for dispensations, faculties, licences, and other rescripts and writings, may be taken away, that no fraud or exaction shall be exercised upon your people, by such officers as shall be appointed

by this Act, to take pains in speeding such dispensations, faculties, and licences, but that your people may be sure and certain what they be appointed to pay for the same: 1534.

Be it enacted by this present Parliament, and by the authority of the same, that there shall be two books drawn and made of one tenor, in which shall be contained the taxes of all customable dispensations, faculties, licences, and other writings wont to be sped at Rome, which books, and every leaf of those books, and both sides of every leaf, shall be subscribed by the Archbishop of Canterbury, the Lord Chancellor of England, the Lord Treasurer of England, and the two chief justices of both benches for the time being; to the which books all suitors for dispensations, faculties, licences, and other writings afore rehearsed, shall have recourse if they require it; and one of the said books shall remain in the hands of him which shall be appointed to be registrar and scribe of the said dispensations, faculties, and licences, under the said Archbishop of Canterbury, in form as is beforesaid; and the other book shall remain with the clerk of the chancery, which by your grace, your heirs or successors, shall be appointed, as is before rehearsed; which clerk of the chancery shall also entitle, and note particularly and daily, in his book ordained for that purpose, the number and quality of the dispensations, faculties, licences, and other rescripts and writings, which shall be sealed only with the seal of the said archbishop, and also which shall be sealed with the said seal, and confirmed with the great seal, in form as is before said, that all fraud and concealment in this behalf may be avoided. fixed rates of payment are established and put on record.

And be it enacted by this present Parliament, and by the authority of the same, that no man suing for dispensations, faculties, licences, or other rescripts or writings, which were wont to be sped at Rome, shall pay any more for their dispensations, licences, or rescripts, than shall be contained, taxed, and limited in the said duplicate books of taxes, only The fees for dispensations, faculties, licences, &c.

1534. compositions excepted, of which, being arbitrary, no tax can be made, wherefore the tax thereof shall be set and limited by the discretion of the said Archbishop of Canterbury, and the Lord Chancellor of England, or the lord keeper of the great seal for the time being;

The penalty for extortion.

And that such as shall exact or receive of any suitor more for any dispensation, faculty, or licence, than shall be contained in the said bopks of taxes, shall forfeit ten times so much as he shall so extortionately exact and receive; the one half of the which forfeiture to be to the use of your grace, your heirs or successors, and the other half thereof to be to such of your subjects as will sue for the same by action, bill, or plaint in any of your grace's courts, wherein the defendant shall have none essoin nor protection allowed, neither shall be admitted to wage his law.

How the tax for every dispensation, faculty, or other writing of above 4*l.* shall be divided.

Be it also enacted by this Parliament, and authority of the same, that the tax or sum appointed to be paid for every such dispensation, licence, faculty, instrument, rescript, or other writing to be granted by authority of this Act, shall be employed and ordered, as hereafter ensues; that is to say: if the tax extend to 4*l.* or above, by reason whereof the dispensation, licence, faculty, rescript or writing, which shall pass by the said archbishop's seal, must be confirmed by the appension of the great seal, then the said tax so extending to 4*l.* or above, shall be divided into three parts, whereof two shall be perceived by the said clerk of the chancery, to be appointed as is aforesaid, to the use of your highness, your heirs and successors, and to the use of the lord chancellor, or the keeper of the great seal for the time being, and to the use of the said clerk, in such wise as hereafter shall be declared; and that the third part shall be taken by the said clerk of the archbishop, to the use of the same archbishop and his commissary, and his said clerk and registrar, in such wise as hereafter shall be ordained and limited by this Act; that is to say, the said two parts shall

be divided in four parts, of which three parts shall be taken to the only use of your highness, your heirs and successors, and the fourth part shall be divided in three parts, whereof the Chancellor of England, or lord keeper of the great seal for the time being, shall have two parts, and the said clerk of the chancery the third part for his pains, travel, and labours that he is limited to write and do by virtue of this Act; and the said third part of the whole tax appointed to the said archbishop, and his officers, as is aforesaid, shall be divided into three parts, whereof the archbishop shall have to his use two parts, and his officers shall have the third part thereof; of which third part to be divided into two parts, the said clerk or registrar, which shall find parchment, wax, and silk, and shall devise and write the said dispensations, licences, faculties, rescripts, or other writings, and register the same, shall have for his said labour, and for receiving and repaying of the sums of money that shall come to his hands for dispensations, faculties, licences, and other rescripts aforesaid, the one moiety thereof, and the commissary of the said archbishop appointed to seal the said dispensations, faculties, licences, and other rescripts, shall have the other part. 1534.

How if the tax be under 4*l.* and not under 40*s.*

And if the tax be under 4*l.* and not under 40*s.*, then the said tax shall be divided into three parts, as is aforesaid, whereof the king's highness, his heirs and successors, shall have two parts thereof, abating 3*s.* 4*d.*, which shall be to the said clerk of the chancery for subscribing, entitling, and enrolling the said dispensations, licences, faculties, rescripts, and other writings aforesaid, and receiving of the king's money so taxed; and the archbishop and his officers shall have the third part, which third part shall be divided into two parts, whereof the archbishop shall have the one entirely to himself, his scribe and commissary shall have the other part thereof, equally to be divided amongst them for their costs and pains in that behalf.

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If the tax be under 40*s.* and not under 26*s.* 8*d.*

And if the tax be under 40*s.* and not under 26*s.* 8*d.*, the same tax shall be divided into two parts, whereof the one part shall be to your grace, your heirs and successors, deducting thereof 2*s.* for the clerk of the chancery for his pains, as is aforesaid; and the other part shall be to the said archbishop and his officers, which other part shall be divided into two parts, whereof the archbishop shall have the one, and the commissary and scribe shall have the other, equally divided amongst them.

If the tax be under 26*s.* 8*d.* and not under 20*s.*

And if the tax be under 26*s.* 8*d.* and not under 20*s.*, the same shall be divided into two parts, whereof your grace, your heirs and successors, shall have the one part entirely, abating 2*s.* thereof to the said clerk of the chancery; and the archbishop and his officers shall have the other part, and the same other part shall be divided into three parts, whereof the archbishop shall have one, his commissary the second, and his scribe or registrar the third; and in case the tax be under 20*s.* the same shall be perceived to the use of the said commissary, clerk of the said archbishop, and clerk of the chancery, to be equally divided amongst them for their pains and labours by them to be sustained, by authority of this Act, as aforesaid.

Saving clause for other prelates.

Provided always, that this Act shall not be prejudicial to the Archbishop of York, or to any bishop or prelate of this realm; but that they may lawfully, notwithstanding this Act, dispense in all cases in which they were wont to dispense by the common law or custom of this realm afore the making of this Act.

Dispensations by the guardian of the spiritualties, during vacancies.

Provided also, and be it enacted by the authority aforesaid, that if it happen the see of the archbishopric of Canterbury to be void, that then all such manner of licences, dispensations, faculties, instruments, rescripts, and other writings, which may be granted by virtue and authority of this Act, shall, during the vacation of the same see, be had, done, and granted under the name and seal of the guardian

of the spiritualties of the said archbishopric for the time being, according to the tenor and form of this Act, and shall be of like force, value, and effect, as if they had been granted under the name and seal of the archbishop for the time being. 1534.

And be it further enacted, that if the aforesaid Archbishop of Canterbury for the time being, or the said guardian of the spiritualties for the time being, hereafter refuse or deny to grant any licences, dispensations, faculties, instruments, or other writings, which they be authorized to do by virtue and authority of this Act, in such manner and form as is afore remembered, to any person or persons that ought, of a good, just, and reasonable cause, to have the same, by reason whereof this present Act, by their wilfulness, negligence, or default, should take no effect; then the Chancellor of England, or the lord keeper of the great seal for the time being, upon any complaint thereof made, shall direct the king's writ to the said archbishop or guardian denying or refusing to grant such licences, dispensations, faculties, or other writings, enjoining him by the said writ, upon a certain pain therein to be limited by the discretion of the said chancellor or keeper of the great seal, that he shall in due form grant such licence, dispensation, faculty, or other writing, according to the request of the procurers of the same, or else signify unto your highness, your heirs or successors, in the Court of Chancery, at a certain day, for what occasion or cause he refused and denied to grant such licences, faculties, or dispensations.

If the Archbishop of Canterbury, or guardian of the spiritualties, shall unreasonably deny dispensations, licences, &c.,

the king's writ shall issue to enforce the granting or compel the showing of cause to the contrary.

And if it shall appear to the said chancellor or lord keeper of the great seal, upon such certificate, that the cause of refusal or denial of granting such licences, faculty, or dispensation was reasonable, just, and good, that then [it] so being proved by due search and examination of the said chancellor or lord keeper of the great seal, to be admitted and allowed.

If refusal reasonable, to be allowed.

1534. If otherwise, the king's writ shall enforce grant.

And if it shall appear upon the said certificate, that the said archbishop or guardian of the spiritualties for the time being, of wilfulness in contemning the due execution of this Act, without a just and reasonable cause, refused or denied to grant such licence, faculty, or dispensation, that then your highness, your heirs or successors, being thereof informed, after due examination had, that such licences, faculties, or dispensations may be granted without offending the Holy Scriptures and laws of God, shall have power and authority in every such case, for the default, negligence, and wilfulness of the said archbishop or guardian, to send your writ of injunction under your great seal, out of your said Court of Chancery, commanding the archbishop or guardian that so shall deny or refuse to grant such licence, faculty, or dispensation, to make sufficient grant thereof, according to the tenor and effect of this Act, by a certain day, and under a certain pain in the said writ to be contained, and to be limited by your highness, your heirs or successors, kings of this realm.

Penalty.

And if the said archbishop or guardian, after the receipt of the said writ, refuse or deny to grant such licences, faculties, or dispensations, as shall be enjoined him by virtue of the said writ, and show and prove before your majesty, your heirs or successors, no just or reasonable cause why he should do so; then the said archbishop or guardian that so shall refuse to put this Act in execution according to the said writ of injunction, shall suffer, lose, and forfeit to your highness, your heirs and successors, such pain and penalty as shall be limited and expressed in the said writ of injunction.

The king to empower two spiritual persons to grant such licences in cases of obstinate

And over that, it shall be lawful to your highness, your heirs and successors, for every such default and wilfulness of the said archbishop or guardian for the time being, to give power and authority, by commission under your great seal, to such two spiritual prelates or persons to be named by your highness, your heirs or successors, as will do and

grant such licences, faculties, and dispensations, refused or denied to be granted by the said archbishop or guardian in contempt of this Act. 1534. refusal by the archbishop.

And be it further enacted by authority aforesaid, that the said two spiritual prelates or persons, to whom in such cases any such commission shall be directed, shall have power and authority to grant every such licence, faculty, dispensation, instrument, and other writings, so refused to be granted by the said archbishop or guardian for the time being, by an instrument under their seals, taking like fees and charges for the same as is before rehearsed, and not above, under the pains afore remembered. And that every such licence, faculty, and dispensation so granted for any cases or matters, whereunto any confirmation under the king's great seal is appointed by this Act, to be had in manner and form above declared, shall be had and obtained accordingly. And such licences and confirmations shall be had for like fees and charges as they are above specified, and not above, under the pains above mentioned. And that every such licence, faculty, dispensation, and other writing, to be granted by the said prelates or persons to be assigned by the king's highness, his heirs and successors, as is aforesaid, shall be of as good value, strength and effect, and as beneficial and profitable to the persons procuring the same, as if they had been made, granted, and obtained under the name and seal of the said archbishop. As to dispensations granted by such spiritual persons.

Provided always, that this Act, nor any thing or things therein contained, shall be hereafter interpreted or expounded, that your grace, your nobles and subjects, intend, by the same, to decline or vary from the congregation of Christ's Church in any things concerning the very articles of the Catholic faith of Christendom, or in any other things declared, by Holy Scripture and the word of God, necessary for your and their salvations, but only to make an ordinance by policies necessary and convenient to repress vice, and for The king and the realm do not mean to vary from the articles of the Catholic faith of Christendom.

1534. good conservation of this realm in peace, unity, and tranquillity, from ravin and spoil, ensuing much the old ancient customs of this realm in that behalf; not minding to seek for any relief, succours, or remedies for any worldly things and human laws, in any cause of necessity, but, within this realm, at the hands of your highness, your heirs and successors, kings of this realm, which have and ought to have an imperial power and authority in the same, and not obliged, in any worldly causes, to any other superior.

Visitation of monasteries, &c., exempt, shall be by commission from the king, and not by the pope.

Provided alway, that the said Archbishop of Canterbury, or any other person or persons, shall have no power or authority by reason of this Act, to visit or vex any monasteries, abbeys, priories, colleges, hospitals, houses or other places religious, which be or were exempt, before the making of this Act, anything in this Act to the contrary thereof notwithstanding; but that redress, visitation, and confirmation shall be had by the king's highness, his heirs and successors, by commission under the great seal, to be directed to such persons as shall be appointed requisite for the same, in such monasteries, colleges, hospitals, priories, houses, and places religious exempt; so that no visitation nor confirmation shall from thenceforth be had nor made, in or at any such monasteries, colleges, hospitals, priories, houses, and places religious exempt, by the said Bishop of Rome, nor by any of his authority, nor by any out of the king's dominions; nor that any person, religious or other, resident in any the king's dominions, shall from henceforth depart out of the king's dominions to or for any visitation, congregation, or assembly for religion, but that all such visitations, congregations, and assemblies shall be within the king's dominions.

None shall go out of England to councils or assemblies.

Such to be in the king's dominions.

This Act shall not derogate from 21 Hen. VIII c. 13, touching

Provided also, that this present Act, or anything therein contained, or any licence or dispensation hereafter to be made by virtue and authority thereof, shall not extend to the repeal or derogation of the late Act, made since the beginning of the present Parliament, for reformation of pluralities of

benefices, and for non-residences of spiritual persons upon their dignities or benefices, nor to anything contained or mentioned in the said Act; nor that this Act, nor anything to be done by authority thereof, shall not be taken, expounded, or interpreted to give licence to any person or persons to have any more number of benefices than is limited in the said Act; and that the same Act for pluralities and non-residences of benefices, and everything therein contained, shall stand good and effectual in all intents, according to the true meaning thereof; anything in this present Act, or any licence or dispensation to be had by authority thereof, in any wise notwithstanding. 1534. pluralities of benefices, &c.

And be it further enacted by authority aforesaid, that if any person or persons, subject or resident within this realm, or within any of the king's dominions, at any time hereafter sue to the court of Rome, or the see of Rome, or to any person claiming to have his authority by the same, for any licence, faculty, dispensation, or other thing or things contrary to this Act, or put in execution any licence, faculty, or dispensation, or any other thing or things hereafter to be obtained from Rome, or the see of Rome, or from any claiming authority by the same, for any of the causes abovementioned in this Act, or for any other causes that may be granted by authority of this Act, or attempt or do any thing or things contrary to this Act, or maintain, allow, admit, or obey any manner of censures, excommunications, interdictions, or any other process from Rome, of what name or nature soever it be, to the derogation or let of the execution of this Act, or of any thing or things to be done by reason of the said Act; that then every such person or persons so doing, offending, and being thereof convicted, their aiders, counsellors, and abettors, shall incur and run into the pain, loss, and penalty comprised and specified in the said Act of Provision and Præmunire, made in the sixteenth year of your most noble progenitor, King Richard II, against Penalty for suing from Rome any licence, dispensation, &c., or for obeying any process from thence.

1534. such as sue to the court of Rome, against your crown and dignity royal.

Saving for grants and confirmations of liberties obtained from Rome.

Provided alway, that this Act, or anything therein contained, shall not hereafter be taken nor expounded to the derogation or taking away of any grants, or confirmations of any liberties, privileges, or jurisdiction of any monasteries, abbeys, priories, or other houses or places exempt, which heretofore the making of this Act have been obtained at the see of Rome, or by authority thereof; but that every such grant and confirmation shall be of the same value, force, and effect as they were before the making of this Act, and as if this Act had never been made.

But abbots, &c., shall pay no pensions to Rome, nor accept any visitation or confirmation from thence, nor make oath to the pope.

Provided always, that the abbots, priors, and other chief rulers and governors of such monasteries, abbeys, priories, and other houses and places exempt, shall not hereafter pay any pension, portion, or other cense to the see of Rome; nor admit or accept any visitation, nor any confirmation from or by the said see of Rome, or by authority thereof, of or for any person to be elected, named, or presented to be heads of any such monasteries, abbeys, priories, places, or houses exempt, nor shall make any corporal oath to the Bishop of Rome, otherwise called the pope, upon the pains limited in this Act; but that every such visitation, and confirmation of such heads elect—in any such monasteries, abbeys, priories, houses, or places exempt, where after their election they were bounden to have and obtain any confirmation of their election, or of the person named, presented, or elected—shall be from henceforth had, made, and done within this realm, at and within every such abbeys, monasteries, priories, and other houses and places exempt, by such person and persons as shall be appointed, by authority of the king's commission, from time to time, as the case shall require, and not by the see of Rome, nor by authority thereof; anything in this next proviso above specified to the contrary thereof notwithstanding.

1534.

Saving for monasteries, &c., where no confirmation from Rome is requisite.

Provided always, that in such monasteries, abbeys, priories, and houses exempt, where after election, presentation, or nomination of their heads, no such confirmation is requisite to be had, nor has been used to be taken by reason of such privileges as they have concerning the same, that in every such monasteries, abbeys, priories, and places exempt, they shall not be bounden to obtain, have, or take any confirmation for the same within this realm, by authority of this Act, but use their privileges therein as they have done before the making of this Act; anything in this Act, or any the provisions next above rehearsed, to the contrary thereof notwithstanding.

Licences and dispensations obtained at Rome before March 12, 1533, shall stand.

Provided also, and be it enacted, that this Act, or any thing or things, word or words therein, or in the preamble thereof mentioned or contained, is not intended or meant, nor shall be expounded nor interpreted, that any dispensations, licences, or confirmations for marriages, granted to any the king's subjects born under his obeisance, at any time before the twelfth day of March in the year of our Lord God 1533, shall be appaired, or of any less value, strength, force or effect, than they were at the said twelfth day of March; nor that this Act, or anything therein contained, shall not extend to the derogation, appairing, or annulling of any licences, dispensations, confirmations, faculties, or indulgences, at any time before the said twelfth day of March in the year of our Lord God, 1533, had or obtained at the see of Rome, or by authority thereof, to or for any subjects born in this realm, or in any the king's dominions, or to or for the hospital of the Prior of St. John of Jerusalem in England, or any commandries or members thereof, or to or for any other cathedral churches, hospitals, monasteries, abbeys, priories, colleges, conventual churches, parochial churches, chapels, fraternities, brotherhoods, or bodies politic within this realm, or in any other the king's dominions; but that every such licence, dispensation, con-

1534. firmation, faculty, and indulgence granted before the said twelfth day of March to any such subject, or to the said hospital of the Prior of St. John of Jerusalem in England, commandries or members thereof, or to any other cathedral church, hospital, monastery, abbey, priory, college, church conventual, parochial church, chapel, fraternity, brotherhood, or body politic, or to their predecessors or ancestors within this realm, or in any other the king's dominions, shall be of the same force, strength, value and effect, and may be from time to time put in execution at all times hereafter, by and to them that will use and have the same, as they might have been before the making of this Act, and as if this Act had never been had nor made; anything in the said Act to the contrary hereof notwithstanding.

But licences, &c., obtained at Rome contrary to the laws of this realm shall not be put in execution.

Provided always, that such licences, dispensations, confirmations, or faculties heretofore obtained at the see of Rome, or by authority thereof, contrary to the express provisions of the laws and statutes of this realm heretofore made, shall not at any time hereafter be used or put in execution in any case, to the derogation, or contrary to the said laws and statutes of this realm, and the provisions of the same; anything in this proviso to the contrary thereof notwithstanding.

The king's power to reform indulgences.

And be it enacted by authority of this present Parliament, that the king our sovereign lord, by the advice of his honourable council, shall have power and authority from time to time, for the ordering, redress, and reformation of all manner of indulgences and privileges thereof within this realm, or within any the king's dominions, heretofore obtained at the see of Rome, or by authority thereof, and of the abuses of such indulgences and privileges thereof, as shall seem good, wholesome, and reasonable for the honour of God and weal of his people; and that such order and redress as shall be taken by his highness in that behalf, shall be observed and firmly kept upon the pains

limited in this Act for the offending of the contents of the same. 1534.

Date of this Act coming into operation.

Provided alway, and be it enacted by authority of this present Parliament, that this present Act, or any thing or things therein contained, shall not begin to take effect nor be put in execution till the feast of the Nativity of St. John Baptist next coming, except the king's majesty, on this side the said feast, by his letters patent under his great seal, to be enrolled in the Parliament roll of this present Parliament, do declare and express, that it is his pleasure that it shall begin and take effect at any time afore the said feast; and if his highness happen so to do, that then, immediately after such declaration of his pleasure by his said letters patent in form aforesaid, this said Act shall begin and be put in execution afore the said feast, according to his said pleasure so to be declared by his said letters patent; anything in this proviso to the contrary hereof notwithstanding.

Power given to king to annul this Act or parts thereof.

And be it further enacted by authority aforesaid, that the king's majesty at all times on this side the said feast shall have full power and authority, by his letters patent under his great seal, to be enrolled in the Parliament roll of this present Parliament, to abrogate, annul, and utterly repeal and make void this Act and every thing and things therein contained, or else as much and such part thereof as shall be declared and limited on this side the said feast by his said letters patent to be void and repealed; and that all such repeal and annulling so to be made in form aforesaid by his highness on this side the said feast, shall be as good and effectual as though it had been done and had by authority of Parliament; any thing or things contained in this present Act to the contrary hereof notwithstanding; and if no such repeal be had or made by the king's majesty on this side the said feast, in form as is afore rehearsed, that then the said Act, or as much and such thereof as shall not be repealed on this side the said feast, shall immediately after

1534. the said feast stand firm, good, and effectual, and from thenceforth be put in due execution according to the tenor thereof; anything in this Act or in any the provisions aforesaid to the contrary hereof notwithstanding.

LIV.

THE FIRST ACT OF SUCCESSION, A.D. 1534.

25 HENRY VIII, CAP. 22.

1534. THIS Act was the last of the series (Nos. LI–LIV) of ecclesiastical enactments passed in the spring of 1534. No form of the oath herein mentioned was prescribed; but letters patent were issued containing a form and appointing a commission.

[Transcr. Statutes of the Realm, iii. 471.]

Prayer of Parliament to provide for succession of the crown.

In their most humble wise shown unto your majesty your most humble and obedient subjects, the lords spiritual and temporal and the Commons in this present Parliament assembled, that since it is the natural inclination of every man, gladly and willingly to provide for the surety of both his title and succession, although it touch only his private cause; we therefore, most rightful and dreadful sovereign lord, reckon ourselves much more bound to beseech and instant your highness (although we doubt not of your princely heart and wisdom, mixed with a natural affection to the same) to foresee and provide for the perfect surety of both you, and of your most lawful succession and heirs, upon which dependeth all our joy and wealth, in whom also is united and knit the only mere true inheritance and title of this realm, without any contradiction;

The ambiguity of the several titles to

Wherefore we your said most humble and obedient subjects, in this present Parliament assembled, calling to our remembrance the great divisions which in times past have

been in this realm, by reason of several titles pretended to the imperial crown of the same, which sometimes, and for the most part ensued, by occasion of ambiguity and doubts, then not so perfectly declared, but that men might, upon froward intents, expound them to every man's sinister appetite and affection, after their sense, contrary to the right legality of the succession and posterity of the lawful kings and emperors of this realm; whereof hath ensued great effusion and destruction of man's blood, as well of a great number of the nobles, as of other the subjects, and especially inheritors in the same; and the greatest occasion thereof hath been because no perfect and substantial provision by law hath been made within this realm of itself, when doubts and questions have been moved and proponed, of the certainty and legality of the succession and posterity of the crown; by reason whereof the Bishop of Rome, and see apostolic, contrary to the great and inviolable grants of jurisdictions given by God immediately to emperors, kings and princes, in succession to their heirs, has presumed, in times past, to invest who should please them, to inherit in other men's kingdoms and dominions, which thing we, your most humble subjects, both spiritual and temporal, do most abhor and detest; and sometimes other foreign princes and potentates of sundry degrees, minding rather dissension and discord to continue in the realm, to the utter desolation thereof, than charity, equity, or unity, have many times supported wrong titles, whereby they might the more easily and facilely aspire to the superiority of the same; the continuance and sufferance whereof deeply considered and pondered, were too dangerous and perilous to be suffered any longer within this realm, and too much contrary to the unity, peace, and tranquillity of the same, being greatly reproachable and dishonourable to the whole realm:

1534. the crown, and the not establishing the succession to it, a cause of trouble.

In consideration whereof, your said most humble and obedient subjects, the nobles and Commons of this realm,

Consequently proposed that

1534. calling further to their remembrance that the good unity, peace and wealth of this realm, and the succession of the subjects of the same, most especially and principally above all worldly things consists and rests in the certainty and surety of the procreation and posterity of your highness, in whose most royal person, at this present time, is no manner of doubt nor question; do therefore most humbly beseech your highness, that it may please your majesty, that it may be enacted by your highness, with the assent of the lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that the marriage heretofore solemnized between your highness and the Lady Katherine, being before lawful wife to Prince Arthur, your elder brother, which by him was carnally known, as does duly appear by sufficient proof in a lawful process had and made before Thomas, by the sufferance of God, now archbishop of Canterbury and metropolitan and primate of all this realm, shall be, by authority of this present Parliament, definitively, clearly, and absolutely declared, deemed, and adjudged to be against the laws of Almighty God, and also accepted, reputed, and taken of no value nor effect, but utterly void and annulled, and the separation thereof, made by the said archbishop, shall be good and effectual to all intents and purposes; any licence, dispensation, or any other act or acts going afore, or ensuing the same, or to the contrary thereof, in any wise notwithstanding; and that every such licence, dispensation, act or acts, thing or things heretofore had, made, done, or to be done to the contrary thereof, shall be void and of none effect; and that the said Lady Katherine shall be from henceforth called and reputed only dowager to Prince Arthur, and not queen of this realm; and that the lawful matrimony had and solemnized between your highness and your most dear and entirely beloved wife Queen Anne, shall be established, and taken for undoubtful, true, sincere, and

the marriage between the king and Katherine of Aragon be void, and the separation good.

She shall be called dowager to Prince Arthur, and not queen.

perfect ever hereafter, according to the just judgment of the said Thomas, archbishop of Canterbury, metropolitan and primate of all this realm, whose grounds of judgment have been confirmed, as well by the whole clergy of this realm in both the Convocations, and by both the universities thereof, as by the universities of Bologna, Padua, Paris, Orleans, Toulouse, Anjou, and divers others, and also by the private writings of many right excellent well-learned men; which grounds so confirmed, and judgment of the said archbishop ensuing the same, together with your marriage solemnized between your highness and your said lawful wife Queen Anne, we your said subjects, both spiritual and temporal, do purely, plainly, constantly, and firmly accept, approve, and ratify for good and consonant to the laws of Almighty God, without error or default, most humbly beseeching your majesty, that it may be so established for ever by your most gracious and royal assent. 1534. The marriage with Anne Boleyn shall be taken as good and consonant to God's law.

And furthermore, since many inconveniences have fallen, as well within this realm as in others, by reason of marrying within degrees of marriage prohibited by God's laws, that is to say, the son to marry the mother, or the stepmother, the brother the sister, the father his son's daughter, or his daughter's daughter, or the son to marry the daughter of his father procreate and born by his stepmother, or the son to marry his aunt, being his father's or mother's sister, or to marry his uncle's wife, or the father to marry his son's wife, or the brother to marry his brother's wife, or any man to marry his wife's daughter, or his wife's son's daughter, or his wife's daughter's daughter, or his wife's sister; which marriages, although they be plainly prohibited and detested by the laws of God, yet nevertheless at some times they have proceeded under colours of dispensations by man's power, which is but usurped, and of right ought not to be granted, admitted, nor allowed; for no man, of what estate, degree, or condition soever he be, has power to dispense with Recital of mischiefs that have arisen by marriage within the prohibited degrees. Man has no power

1534. God's laws, as all the clergy of this realm in the said Convocations, and the most part of all the famous universities of Christendom, and we also, do affirm and think.

to dispense with God's law.

Marriages forbidden within the prohibited degrees.

Be it therefore enacted by authority aforesaid, that no person or persons, subjects or residents of this realm, or in any your dominions, of what estate, degree, or dignity soever they be, shall from henceforth marry within the said degrees afore rehearsed, what pretence soever shall be made to the contrary thereof.

The annulling of such marriages by the Church of England held good, and children born of such marriages are illegitimate.

And in case any person or persons, of what estate, dignity, degree, or condition soever they be, has been heretofore married within this realm, or in any the king's dominions, within any the degrees above expressed, and by any the archbishops, bishops, or ministers of the Church of England, be separated from the bonds of such unlawful marriage, that every such separation shall be good, lawful, firm, and permanent for ever, and not by any power, authority, or means to be revoked or undone hereafter, and that the children proceeding and procreated under such unlawful marriage, shall not be lawful nor legitimate; any foreign laws, licences, dispensations, or other thing or things to the contrary thereof notwithstanding.

Persons heretofore married within the degrees aforesaid shall be separated by the ordinary's sentence.

And in case there be any person or persons within this realm, or in any the king's dominions, already married within any the said degrees above specified, and not yet separated from the bonds of such unlawful marriage, that then every such person so unlawfully married shall be separate by the definitive sentence and judgments of the archbishops, bishops, and other ministers of the Church of England, and in other your dominions, within the limits of their jurisdictions and authorities, and by none other power or authority; and that all sentences and judgments given and to be given by any archbishop, bishop, or other minister of the Church of England, or in other the king's dominions, within the limits of their jurisdictions and authorities, shall

be definitive, firm, good, and effectual, to all intents, and be observed and obeyed, without suing any provocations, appeals, prohibitions, or other process from the Court of Rome, to the derogation thereof, or contrary to the Act made since the beginning of this present Parliament, for restraint of such provocations, appeals, prohibitions, and other processes. 1534. Appeal to Rome forbidden.

And also be it enacted by authority aforesaid, that all the issue had and procreated, or hereafter to be had and procreated, between your highness and your said most dear and entirely beloved wife Queen Anne, shall be your lawful children, and be inheritable, and inherit, according to the course of inheritance and laws of this realm, the imperial crown of the same, with all dignities, honours, pre-eminences, prerogatives, authorities, and jurisdictions to the same annexed or belonging, in as large and ample manner as your highness at this present time has the same as king of this realm; the inheritance thereof to be and remain to your said children and right heirs in manner and form as hereafter shall be declared, that is to say: All the issue of the king and Anne Boleyn declared legitimate.

First the said imperial crown, and other the premises, shall be to your majesty, and to your heirs of your body lawfully begotten, that is to say: to the first son of your body, between your highness and your said lawful wife, Queen Anne, begotten, and to the heirs of the body of the same first son lawfully begotten, and for default of such heirs, then to the second son of your body and of the body of the said Queen Anne begotten, and to the heirs of the body of the said second son lawfully begotten, and so to every son of your body and of the body of the said Queen Anne begotten, and to the heirs of the body of every such son begotten, according to the course of inheritance in that behalf; and if it shall happen your said dear and entirely beloved wife Queen Anne to decease without issue male of the body of your highness to be begotten (which God Entail of the crown of England, &c.

1534. defend), then the same imperial crown, and all other the premises, to be to your majesty, as is aforesaid, and to the son and heir male of your body lawfully begotten, and to the heirs of the body of the same son and heir male lawfully begotten; and for default of such issue, then to your second son of your body lawfully begotten, and to the heirs of the body of the same second son lawfully begotten, and so from son and heir male to son and heir male, and to the heirs of the several bodies of every such son and heir male to be begotten, according to the course of inheritance, in like manner and form as is above said.

Failing issue male of Henry and Anne Boleyn, then to the Princess Elizabeth and other issue female.

And for default of such sons of your body begotten, and of the heirs of the several bodies of every such sons lawfully begotten, that then the said imperial crown, and other the premises, shall be to the issue female between your majesty and your said most dear and entirely beloved wife, Queen Anne, begotten, that is to say: first to the eldest issue female, which is the Lady Elizabeth, now princess, and to the heirs of her body lawfully begotten, and for default of such issue, then to the second issue female, and to the heirs of her body lawfully begotten, and so from issue female to issue female, and to the heirs of their bodies one after another, by course of inheritance, according to their ages, as the crown of England has been accustomed, and ought to go, in cases where there be heirs females to the same; and for default of such issue, then the said imperial crown, and all other the premises, shall be in the right heirs of your highness for ever.

This Act to be proclaimed throughout England.

And be it further enacted by authority aforesaid, that on this side the first day of May next coming, proclamation shall be made in all shires within this realm, of the tenor and contents of this Act.

The penalty for injury to the king,

And if any person or persons, of what estate, dignity, or condition soever they be, subject or resident within this realm, or elsewhere within any the king's dominions, after

the said first day of May, by writing or imprinting, or by any exterior act or deed, maliciously procure or do, or cause to be procured or done, any thing or things to the peril of your most royal person, or maliciously give occasion by writing, print, deed, or act, whereby your highness might be disturbed or interrupted of the crown of this realm, or by writing, print, deed, or act, procure or do, or cause to be procured or done, any thing or things to the prejudice, slander, disturbance, or derogation of the said lawful matrimony solemnized between your majesty and the said Queen Anne, or to the peril, slander, or disherison of any the issues and heirs of your highness, being limited by this Act to inherit and to be inheritable to the crown of this realm, in such form as is aforesaid, whereby any such issues or heirs of your highness might be destroyed, disturbed, or interrupted in body or title of inheritance to the crown of this realm, as to them is limited in this Act in form above rehearsed; that then every such person and persons, of what estate, degree, or condition they be of, subject or resident within this realm, and their aiders, counsellors, maintainers, and abettors, and every of them, for every such offence shall be adjudged high traitors, and every such offence shall be adjudged high treason, and the offenders and their aiders, counsellors, maintainers, and abettors, and every of them, being lawfully convicted of such offence by presentment, verdict, confession, or process, according to the customs and laws of this realm, shall suffer pains of death, as in cases of high treason; and that also every such offender, being convicted as is aforesaid, shall lose and forfeit to your highness, and to your heirs, kings of this realm, all such manors, lands, tenements, rents, annuities, and hereditaments, which they had in possession as owners, or were sole seized of by or in any right, title, or means, or any other person or persons had to their use, of any estate of inheritance, at the day of such treasons and offences by them

1534. disturbing his title to the crown, or slandering his marriage.

1534. committed and done; and shall also lose and forfeit to your highness, and to your said heirs, as well all manner such estates of freehold and interests for years of lands and rents, as all their goods, chattels, and debts, which they had at the time of conviction or attainder of any such offence;

The rights of all others, except the offenders, saved.

saving always to every person and persons, and bodies politic, to their heirs, assigns, and successors, and every of them, other than such persons as shall be so convicted, and their heirs and successors, and all other claiming to their uses, all such right, title, use, interest, possession, condition, rents, fees, offices, annuities, and commons, which they or any of them shall happen to have in, to, or upon any such manors, lands, tenements, rents, annuities, or hereditaments, that shall so happen to be lost and forfeited by reason of attainder for any the treasons and offences above rehearsed, at any time before the said treasons and offences committed.

Penalty for publishing or speaking anything to the peril of the king, &c.

And be it further enacted by authority aforesaid, that if any person or persons, after the said first day of May, by any words, without writing, or any exterior deed or act, maliciously and obstinately shall publish, divulge, or utter any thing or things to the peril of your highness, or to the slander or prejudice of the said matrimony solemnized between your highness and the said Queen Anne, or to the slander or disherison of the issue and heirs of your body begotten and to be begotten of the said Queen Anne, or any other your lawful heirs, which shall be inheritable to the crown of this realm, as is before limited by this Act; that then every such offence shall be taken and adjudged for misprision of treason; and that every person and persons, of what estate, degree, or condition soever they be, subject or resident within this realm, or in any the king's dominions, so doing and offending, and being thereof lawfully convicted by presentment, verdict, process, or confession, shall suffer imprisonment of their bodies at the king's

will, and shall lose as well all their goods, chattels, and debts, as all such interests and estates of freehold or for years, which any such offenders shall have of or in any lands, rents, or hereditaments whatsoever, at the time of conviction and attainder of such offence. 1534.

Offenders shall not have the privilege of sanctuary.

And be it also enacted by the authority aforesaid, that no person nor persons offending in any of the treasons and misprisions contained and limited by this Act, shall in any wise have or enjoy the privilege and immunity of any manner of sanctuaries within this realm, or elsewhere within any of the king's dominions, but shall utterly lose and be excluded of the same; any use, custom, grant, prescription, confirmation, or any other thing or things to the contrary thereof in any wise notwithstanding.

Who shall have the government of the king's issue during minority, if the king should die.

And be it also enacted by authority aforesaid, that if your majesty should happen to decease before any such your issue and heir male which should inherit the crown of this realm, shall be of his age of eighteen years, or before such your issue and heir female which should inherit the crown of this realm, shall be married, or be of the age of sixteen years, which Almighty God defend, that then your said issue and heir male to the crown, so being within the said age of eighteen years, or your said issue and heir female to the crown, unmarried, or within the said age of sixteen years, shall be and remain unto such time as such issues and heirs shall come to their said several ages afore limited, at and in the governance of their natural mother, she living, with such others, counsellors of your realm, as your majesty in your lifetime shall depute and assign by your will, or otherwise, for the same, without contradiction of any person or persons to the contrary thereof.

Penalty for disturbing this arrangement.

And if any person and persons by writing, or exterior deed or act, procure or do, or cause to be procured or done any thing or things to the let or disturbance of the same; that then every such offence shall be high treason, and the

1534. offenders, being thereof convicted, shall suffer such pains of death and losses of inheritance, freeholds, interests for years, goods, chattels and debts, in such manner and form as is above specified in cases of treason afore mentioned.

All shall be sworn to perform the contents of this Act.

And for the more sure establishment of the succession of your most royal majesty, according to the tenor and form of this Act, be it further enacted by authority aforesaid, that as well all the nobles of your realm spiritual and temporal, as all other your subjects now living and being, or that hereafter shall be, at their full ages, by the commandment of your majesty or of your heirs, at all times hereafter from time to time, when it shall please your highness or your heirs to appoint, shall make a corporal oath in the presence of your highness or your heirs, or before such others as your majesty or your heirs will depute for the same, that they shall truly, firmly, and constantly, without fraud or guile, observe, fulfil, maintain, defend, and keep, to their cunning, wit, and uttermost of their powers, the whole effects and contents of this present Act. And that all manner your subjects, as well spiritual as temporal, suing livery, restitutions, or *ouster le main* out of the hands of your highness or of your heirs, or doing any fealty to your highness or to your heirs, by reason of tenure of their lands, shall swear a like corporal oath, that they and every of them, without fraud or guile, to their cunning, wit, and uttermost of their powers, shall truly, firmly, and constantly observe, fulfil, maintain, defend, and keep the effects and contents contained and specified in this Act, or in any part thereof; and that they, nor any of them, shall hereafter have any liveries, *ouster le main*, or restitution out of your hands, nor out of the hands of your heirs, till they have made the said corporal oath in form above rehearsed.

High treason to refuse the oath.

And if any person or persons, being commanded by authority of this Act to take the said oath afore limited, obstinately refuse that to do, in contempt of this Act, that

then every such person so doing, to be taken and accepted for offender in misprision of high treason; and that every such refusal shall be deemed and adjudged misprision of high treason; and the offender therein to suffer such pains and imprisonment, losses and forfeitures, and also lose privileges of sanctuaries, in like manner and form as is above mentioned for the misprisions of treasons afore limited by this Act. 1534.

Provided always, that the article in this Act contained concerning prohibitions of marriages within the degrees afore mentioned in this Act, shall always be taken, interpreted, and expounded of such marriages, where marriages were solemnized and carnal knowledge was had. Marriages consummated.

LV.

THE SUPREMACY ACT, A. D. 1534.

26 HENRY VIII, CAP. 1.

THIS Act was passed in November, 1534; it was repealed by Mary's second Act of repeal (*post*, No. LXXVI), which repeal was confirmed by 1 Elizabeth, cap. 1 (*post*, No. LXXIX). It should be noted that the saving clause in the Submission of the Clergy of A.D. 1532 (*ante*, No. XLVIII) is dropped in this Act. 1534.

[Transcr. Statutes of the Realm, iii. 492.]

Albeit the king's majesty justly and rightfully is and ought to be the supreme head of the Church of England, and so is recognized by the clergy of this realm in their Convocations, yet nevertheless for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to repress and extirp all errors, heresies, and other enormities and abuses heretofore used in the same; be it enacted by authority of this present Parliament, that the king our sovereign lord, his heirs The king is supreme head of the Church of England, and so recognized in Convocation.

1534. and successors, kings of this realm, shall be taken, accepted,
That title confirmed to him and his successors. and reputed the only supreme head in earth of the Church of England, called *Anglicana Ecclesia*; and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and style thereof, as all honours, dignities, pre-eminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same Church belonging and appertaining; and that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts, and enormities, whatsoever they be, which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended, most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm; any usage, custom, foreign law, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding.

Power to the king to visit ecclesiastically, and to redress ecclesiastical abuses.

LVI.

THE SECOND ACT OF SUCCESSION, A.D. 1534.

26 HENRY VIII, CAP. 2.

1534. THIS interpretation of the previous Act of Succession (*ante*, No. LIV) was passed in the following autumn, viz. in November, 1534. It was repealed by 28 Henry VIII. cap. 7.

[Transcr. Statutes of the Realm, iii. 492.]

Recital of the former Act of Succession. Where at the last session of this present Parliament, in the Act then made for the establishment of the succession of the heirs of the king's highness in the imperial crown

of this realm, it is contained, amongst other things, that all and singular the king's subjects, as well the nobles spiritual and temporal as other, should make and take a corporal oath, whensoever it should please the king's majesty, or his heirs, to appoint, that they should truly, firmly, and constantly, without fraud or guile, observe, fulfil, maintain, defend, and keep, to their cunning, wit, and uttermost of their powers, the whole effects and contents of the said Act, as in the same Act, among other things, more plainly appeareth. 1534.

Oath taken by Parliament.

And at the day of the last prorogation of this present Parliament, as well the nobles spiritual and temporal as other the Commons of this present Parliament then assembled in the high house of Parliament, most lovingly accepted and took such oath as then was devised in writing for maintenance and defence of the said Act, and meant and intended at that time that every other the king's subjects should be bound to accept and take the same, upon the pains contained in the said Act, the tenor of which oath hereafter ensueth:

Form of oath.

'Ye shall swear to bear faith, truth, and obedience alonely to the king's majesty, and to his heirs of his body of his most dear and entirely beloved lawful wife Queen Anne, begotten and to be begotten, and further to the heirs of our said sovereign lord according to the limitation in the statute made for surety of his succession in the crown of this realm, mentioned and contained, and not to any other within this realm, nor foreign authority or potentate: and in case any oath be made, or has been made, by you, to any person or persons, that then ye [are] to repute the same as vain and annihilate; and that, to your cunning, wit, and uttermost of your power, without guile, fraud, or other undue means, you shall observe, keep, maintain, and defend the said Act of Succession, and all the whole effects and contents thereof, and all other Acts and statutes made in confirmation,

1534. or for execution of the same, or of anything therein contained; and this ye shall do against all manner of persons, of what estate, dignity, degree, or condition soever they be, and in no wise do or attempt, nor to your power suffer to be done or attempted, directly or indirectly, any thing or things privily or apartly to the let, hindrance, damage, or derogation thereof, or of any part of the same, by any manner of means, or for any manner of pretence; so help you God, all saints, and the holy Evangelists.'

Intended that the oath should be taken by all.

And forasmuch as it is convenient for the sure maintenance and defence of the same Act that the said oath should not only be authorized by authority of Parliament, but also be interpreted and expounded by the whole assent of this present Parliament, that it was meant and intended by the king's majesty, the Lords and Commons of the Parliament, at the said day of the said last prorogation, that every subject should be bounden to take the same oath, according to the tenor and effect thereof, upon the pains and penalties contained in the said Act:

Enacted accordingly.

Therefore be it enacted by authority of this present Parliament that the said oath above rehearsed shall be interpreted, expounded, reputed, accepted, and adjudged the very oath that the king's highness, the Lords spiritual and temporal, and the Commons of this present Parliament meant and intended that every subject of this realm should be obliged and bounden to take and accept, for maintenance and defence of the same Act, upon the pains contained in the said Act, and that every of the king's subjects, upon the said pains, shall be obliged to accept and take the said oath.

Commissioners to receive oath and certify to King's Bench all refusals.

And be it further enacted by authority aforesaid that the commissioners that hereafter shall be appointed to receive such oath of the king's subjects, or two of them at the least, shall have power and authority to certify into the king's Bench, by writing under their seals, every refusal that here-

after shall be made afore them of the same oath by any person or persons coming before them to take the same oath; and that every such certificate to be made by such commissioners, as is aforesaid, shall be taken as strong and as available in the law as an indictment of twelve men lawfully found of the said refusal; so that the person and persons, against whom any such certificate shall be made, shall be compelled to answer thereunto as if they were indicted; and that such process, judgment, execution, and every other thing shall be had, used, and ministered, of and upon every such certificate against the offenders, as if they had been lawfully indicted of such offences by the due course and order of the common laws of this realm. 1534. A certificate of refusal to have weight of an indictment by a jury.

LVII.

THE TREASONS ACT, A.D. 1534.

26 HENRY VIII, CAP. 13.

THIS Act was passed in the November session of 1534; it remained upon the Statute Book till 1863 (Stat. Law Rev. Act, 1863). 1534.

[Transcr. Statutes of the Realm, iii. 508.]

Forasmuch as it is most necessary, both for common policy and duty of subjects, above all things to prohibit, provide, restrain, and extinct all manner of shameful slanders, perils, or imminent danger or dangers, which might grow, happen, or rise to their sovereign lord the king, the queen, or their heirs, which when they be heard, seen, or understood, cannot be but odible, and also abhorred of all those sorts that be true and loving subjects, if in any point they may do, or shall touch the king, his queen, their heirs or successors, upon which dependeth the whole unity and Necessity for the protection of the king and queen.

1534. universal weal of this realm, without providing wherefore too great a scope of unreasonable liberty should be given to all cankered and traitorous hearts, willers and workers of the same; and also the king's loving subjects should not declare unto their sovereign lord now being, which unto them has been, and is most entirely both beloved and esteemed, their undoubted sincerity and truth.

Definition of high treason.

Be it therefore enacted by the assent and consent of our sovereign lord the king, and the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that if any person or persons, after the first day of February next coming, do maliciously wish, will, or desire, by words or writing, or by craft imagine, invent, practise, or attempt any bodily harm to be done or committed to the king's most royal person, the queen's, or their heirs apparent, or to deprive them or any of them of their dignity, title, or name of their royal estates, or slanderously and maliciously publish and pronounce, by express writing or words, that the king our sovereign lord should be heretic, schismatic, tyrant, infidel or usurper of the crown, or rebelliously do detain, keep, or withhold from our said sovereign lord, his heirs or successors, any of his or their castles, fortresses, fortalices, or holds within this realm, or in any other the king's dominions or marches, or rebelliously detain, keep, or withhold from the king's said highness, his heirs or successors, any of his or their ships, ordnances, artillery, or other munitions or fortifications of war, and do not humbly render and give up to our said sovereign lord, his heirs or successors, or to such persons as shall be deputed by them, such castles, fortresses, fortalices, holds, ships, ordnances, artillery, and other munitions and fortifications of war, rebelliously kept or detained, within six days next after they shall be commanded by our said sovereign lord, his heirs or successors, by open proclamation under the great seal;

1534.

That then every such person and persons so offending in any the premises, after the said first day of February, their aiders, counsellors, consenters, and abettors, being thereof lawfully convicted according to the laws and customs of this realm, shall be adjudged traitors, and that every such offence in any the premises, that shall be committed or done after the said first day of February, shall be reputed, accepted, and adjudged high treason, and the offenders therein and their aiders, consenters, counsellors, and abettors, being lawfully convicted of any such offence as is aforesaid, shall have and suffer such pains of death and other penalties, as is limited and accustomed in cases of high treason.

Penalty.

No traitor to have benefit of sanctuary.

And to the intent that all treasons should be the more dread, hated and detested to be done by any person or persons, and also because it is a great boldness and an occasion to ill-disposed persons, to adventure and embrace their malicious intents and enterprises, which all true subjects ought to study to eschew: be it therefore enacted by the authority aforesaid, that none offender in any kinds of high treasons whatsoever they be, their aiders, consenters, counsellors, nor abettors, shall be admitted to have the benefit or privilege of any manner of sanctuary, considering that matters of treasons touch so nigh both the surety of the king our sovereign lord's person, and his heirs and successors.

Provision for inquiry as to treason committed by residents abroad.

And over that, be it enacted by authority aforesaid, that if any of the king's subjects, denizens or other, do commit or practise out of the limits of this realm, in any outward parts, any such offences, which by this Act are made, or heretofore have been made treason, that then such treasons, whatsoever they be, or wheresoever they shall happen so to be done or committed, shall be inquired and presented by the oaths of twelve good and lawful men, upon good and probable evidence and witness, in such shire and county of

1534. this realm, and before such persons as it shall please the king's highness to appoint by commission under his great seal, in like manner and form as treasons committed within this realm have been used to be inquired of and presented; and that upon every indictment and presentment found and made of any such treasons, and certified into the King's Bench, like process and other circumstance shall be there had and made against the offenders, as if the same treasons, so presented, had been lawfully found to be done and committed within the limits of this realm. And that all process of outlawry hereafter to be made and had within this realm against any offenders in treason, being resident or inhabited out of the limits of this realm, or in any of the parts of beyond the sea, at the time of the outlawry pronounced against them, shall be as good and as effectual in the law to all intents and purposes, as if such offenders had been resident and dwelling within this realm at the time of such process awarded, and outlawry pronounced.

The outlawry of such persons on conviction.

What a person convicted of treason shall forfeit.

And be it further enacted by authority aforesaid, that every offender and offenders, being hereafter lawfully convicted of any manner of high treasons, by presentment, confession, verdict or process of outlawry, according to the due course and custom of the common laws of this realm, shall lose and forfeit to the king's highness, his heirs and successors, all such lands, tenements, and hereditaments, which any such offender or offenders shall have of any estate of inheritance in use or possession, by any right, title, or means, within this realm of England, or elsewhere, within any of the king's dominions, at the time of any such treason committed, or any time after; saving to every person and persons, their heirs and successors (other than the offenders in any treasons, their heirs and successors, and such person and persons as claim to any their uses), all such rights, titles, interests, possessions, leases, rents, offices, and other profits, which they shall have at the day of com-

Saving of the rights of others.

mitting such treasons, or any time afore, in as large and ample manner as if this Act had never been had nor made. 1534.

LVIII.

ABJURATION OF PAPAL SUPREMACY BY THE CLERGY, A. D. 1534.

1534. On March 31, the Convocation of Canterbury considered the question of the papal supremacy, and rejected it by a decisive majority. The Convocation of York discussed the matter on May 5 and subsequent days. The Cambridge decision is dated May 2, and the Oxford June 27. The king's proclamation 'abolishing the usurped power of the pope' is dated June 9.

Convocation of Canterbury.

[Tr. Wilkins, iii. 769, who quotes from the Register of Convocation[1].]

Canterbury Convocation decides affirmatively by a large majority that the pope has no greater power, &c.

On the last day of March, in the presence of the most reverend Ralph Pexsall, the clerk of the crown in the chancery of the lord the king, in the name of the said king, presented a royal writ for summoning Convocation and proroguing it to the fourth day of November following. And afterwards was exhibited a writing by William Saye, notary public, concerning the answer of the Lower House to the question, viz. 'Whether the Roman pontiff has any greater jurisdiction bestowed on him by God in the Holy Scriptures in this realm of England, than any other foreign [*externus*] bishop?' Noes 34, doubtful 1, ayes 4.

Convocation of York.

[Tr. Reg. Lee, fol. 88; *cf.* Wilkins, iii. 782.]

The Convocation of York, re-

By virtue of a royal writ this synod, convened on the fifteenth day of May, sent to the lord the king, by the

[1] We have failed to trace the original.—Edd.

1534. archbishop's certificate, the sentence of their decision
ceiving an order from the king, against the pope's supremacy: 'To the most illustrious and excellent prince and lord, the lord Henry VIII, by the grace of God king of England and France, defender of the faith, and lord of Ireland, Edward, by Divine permission archbishop of York, primate of England, and metropolitan, greeting. We make known and declare to your royal highness, by the tenor of the presents, that
considers the proposition submitted, when, according to the mandate of your royal majesty, the following conclusion was proposed in the presence of the prelates and clergy of the province of York, gathered together in the sacred synod of the province or Convocation of the prelates and clergy of the same province of York, held in the Chapter House of the metropolitan church of York, on the fifth day of May, in the present year of our Lord 1534, and continued from day to day: "That the Bishop of Rome has not, in Scripture, any greater jurisdiction in the kingdom of England than any other foreign bishop." And when further, on behalf of the presidents deputed by you in the same synod, the said prelates and clergy were asked and demanded to confirm and endorse that opinion by their consent, if they thought or judged it consonant to the truth and not repugnant to the Holy
and affirms the same conclusion, that the pope has no greater power, &c. Scriptures; at length the said prelates and clergy of the province of York aforesaid, after careful discussion had in that behalf, and mature deliberation, unanimously and concordantly, with no dissentient, affirmed the conclusion above-mentioned to have been and to be true, and concordantly consented to the same. Which all and singular we notify to your highness by the tenor of the presents. In testimony of which, all and singular, we have caused our seal to be affixed to the presents. Given in our castle of Cawood, the second day of June, in the year of our Lord 1534, and the third of our consecration.'

LIX.

SUFFRAGAN BISHOPS ACT, A. D. 1534.

26 HENRY VIII, CAP. 14.

THIS Act, passed in the November session of 1534, was repealed by 1 & 2 Philip and Mary, cap. 8 (*post*, No. LXXVI), and was revived by 1 Elizabeth, cap. 1 (*post*, No. LXXIX). 1534.

[Transcr. Statutes of the Realm, iii. 509.]

Albeit that since the beginning of this present Parliament good and honourable ordinances and statutes have been made and established for elections, presentations, consecrations, and investing of archbishops and bishops of this realm, and in all other the king's dominions, with all ceremonies appertaining unto the same, as by sundry statutes thereof made more at large is specified; yet nevertheless no provision hitherto has been made for suffragans, which have been accustomed to be had within this realm for the more speedy administration of the sacraments, and other good, wholesome, and devout things and laudable ceremonies, to the increase of God's honour, and for the commodity of good and devout people. Be it therefore enacted by authority of this present Parliament, that the towns of Thetford, Ipswich, Colchester, Dover, Guildford, Southampton, Taunton, Shaftesbury, Molton, Marlborough, Bedford, Leicester, Gloucester, Shrewsbury, Bristol, Penrith, Bridgewater, Nottingham, Grantham, Hull, Huntingdon, Cambridge, and the towns of Perth and Berwick, [St. Germains in Cornwall[1],] and the Isle of Wight, shall be taken and accepted for sees of bishops suffragan to be made in this realm, and in Wales, and the bishops of such sees shall be called suffragans of this realm. And that every archbishop

Provision already made for election, &c., of bishops, but no provision for suffragans.

Towns selected to be sees of the bishops suffragan.

[1] 'St. Germains in Cornwall' interlined in original.

1534. How proposed suffragans are to be presented to the king.

and bishop of this realm, and of Wales, and elsewhere within the king's dominions, being disposed to have any suffragan, shall and may, at their liberties, name and elect, that is to say, every of them for their peculiar diocese, two honest and discreet spiritual persons, being learned, and of good conversation, and those two persons, so by them to be named, shall present to the king's highness, by their writing under their seals, making humble request to his majesty to give to one such of the said two persons, as shall please his majesty, such title, name, style, and dignity of bishop of such of the sees above specified, as the king's highness shall think most convenient for the same; and that the king's majesty, upon every such presentation, shall have full power and authority to give to one of those two persons, so to his highness to be presented, the style, title, and name of a bishop of such of the sees aforesaid, as to his majesty shall be thought most convenient and expedient, so it be within the same province whereof the bishop that does name him is. And that every such person to whom the king's highness shall give any such style and title of any of the sees aforenamed, shall be called bishop suffragan of the same see whereunto he shall be named.

The king to present suffragans selected to one of the two archbishops, according to the province in which the town, from which the suffragan takes his title, lies.

And after such title, style, and name so given as is aforesaid, the king's majesty shall present every such person, by his letters patent under his great seal, to the Archbishop of Canterbury, if the town whereof he has his title be within the province of Canterbury, and likewise to the Archbishop of York, if the town whereof he has his title be within the province of York, signifying and declaring by the same letters patent the name of the person presented, and the style and title of dignity of the bishopric whereunto he shall be nominated, requiring the same archbishop, to whom such letters patent shall be directed, to consecrate the said person so nominated and presented to the same name, title, style, and dignity of bishop, that he shall be nominated and presented unto, and to give him all such creations, benedic-

tions, and ceremonies, as to the degree and office of a bishop suffragan shall be requisite. 1534.

Suffragans, so nominated and appointed, shall have equal power with former suffragans.

And be it also enacted by authority aforesaid, that all and every such person and persons as shall be nominated, elected, presented, and consecrated, as is afore rehearsed, shall be taken, accepted, and reputed, in all degrees and places, according to the style, title, name, and dignity that he shall be so presented unto, and have such capacity, power and authority, honour, pre-eminence and reputation, in as large and ample manner, in and concerning the execution of such commission, as by any of the said archbishops or bishops within their diocese shall be given to the said suffragans, as to suffragans of this realm heretofore has been used and accustomed.

Consecration of suffragans to be within three months of the king's direction.

And be it further enacted by authority aforesaid, that every archbishop of this realm, to whom any the king's letters patent, in the cases afore rehearsed, shall be directed, having no lawful impediment, shall perform and accomplish the effects and contents of this Act within the time of three months next after such letters patent shall come to their hands; any usages, customs, foreign laws, privileges, prescriptions, or other thing or things heretofore used, had, or done to the contrary hereof notwithstanding.

Emolument and jurisdiction of suffragans to be by episcopal authority only.

Provided always, that no such suffragans, which shall be made and consecrated by virtue and authority of this Act, shall take or perceive any manner of profits of the places and sees whereof they shall be named, nor use, have, or execute any jurisdiction or episcopal power or authority within their said sees, nor within any diocese or place of this realm, or elsewhere within the king's dominions, but only such profits, jurisdiction, power, and authority as shall be licensed and limited to them to take, do, and execute by any archbishop or bishop of this realm, within their diocese to whom they shall be suffragans, by their commission under their seals.

1534. Of what this authority and benefit shall consist.

And that every archbishop and bishop of this realm, for their own peculiar diocese, may and shall give such commission or commissions to every such bishop suffragan as shall be so consecrated by authority of this Act, as has been accustomed for suffragans heretofore to have, or else such commission as by them shall be thought requisite, reasonable, and convenient; and that no such suffragan shall use any jurisdiction ordinary or episcopal power, otherwise, nor longer time, than shall be limited by such commission to him to be given as is aforesaid, upon pain to incur into the pains, losses, forfeitures, and penalties mentioned in the Statute of Provisions, made in the sixteenth year of King Richard II.

Penalty for exceeding the same.

Manner of consecration of suffragans.

Provided always, that the bishop that shall nominate the suffragan to the king's highness, or the suffragan himself that shall be nominate, shall provide two bishops or suffragans to consecrate him, with the archbishop, and shall bear their reasonable costs; provided also, that the residence of him that shall be suffragan over the diocese where he shall have commission, shall serve him for his residence, as sufficiently as if he were resident upon any other his benefice; any Act heretofore made to the contrary notwithstanding.

Residence.

A suffragan may have two benefices with cure to support his dignity.

Be it further enacted, that all such suffragans as shall hereafter exercise the offices aforesaid, by the commission of the bishop, for the better maintenance of his dignity, may have two benefices with cure; any former Act made to the contrary notwithstanding.

LX.

NOTE ON THE APPOINTMENT OF CRUMWELL AS VICAR-GENERAL.

A commission—which from internal evidence may be dated as prior to the middle of December, 1534—was

issued to Thomas Crumwell, Chief Secretary, John Tregunwell, LL.D., principal judge of the Admiralty, and Thomas Bedyll, Archdeacon of London and Cornwall, to make a general visitation of churches and monasteries. In a document dated only '21 January,' but probably belonging to the year 1534–5, Crumwell is addressed as 'Chief Secretary and Master of the Rolls,' and is directed, by himself, to make a similar inquiry. These two documents are extant at the Public Record Office (State Papers, Henry VIII, vol. 8, Nos. 73 and 75). In a copy of a draft commission—not contemporary—at the British Museum (Cotton, Cleop. F. ii. 131) to a similar effect as the foregoing, Crumwell is styled Vicar-General: this seems to be the authority generally quoted for stating that Crumwell held the office of Vicar-General. 1534.

LXI.

ACT FOR THE DISSOLUTION OF THE LESSER MONASTERIES, A. D. 1536.

27 HENRY VIII, CAP. 28.

PARLIAMENT met February 4, 1536; it received a digest of the report of the monastic visitors, and soon after passed the first Act of Suppression, dealing with the lesser monasteries, and covering, retrospectively, previous suppressions. 1536.

[Transcr. Statutes of the Realm, iii. 575.]

Forasmuch as manifest sin, vicious, carnal and abominable living is daily used and committed among the little and small abbeys, priories, and other religious houses of monks, canons, and nuns, where the congregation of such religious persons is under the number of twelve persons, whereby the governors of such religious houses, and their convent, spoil, destroy, consume, and utterly waste, as well Evil state of religious communities.

1536. their churches, monasteries, priories, principal houses, farms, granges, lands, tenements, and hereditaments, as the ornaments of their churches, and their goods and chattels, to the high displeasure of Almighty God, slander of good religion, and to the great infamy of the king's highness and the realm, if redress should not be had thereof. And albeit that many continual visitations hath been heretofore had, by the space of two hundred years and more, for an honest and charitable reformation of such unthrifty, carnal, and abominable living, yet nevertheless little or none amendment is hitherto had, but their vicious living shamelessly increases and augments, and by a cursed custom so rooted and infested, that a great multitude of the religious persons in such small houses do rather choose to rove abroad in apostasy, than to conform themselves to the observation of good religion; so that without such small houses be utterly suppressed, and the religious persons therein committed to great and honourable monasteries of religion in this realm, where they may be compelled to live religiously, for reformation of their lives, there cannot else be no reformation in this behalf:

Previous visitations ineffectual to reform.

This Act passed to suppress vice, and to fill the greater monasteries.

In consideration whereof, the king's most royal majesty—being supreme head on earth, under God, of the Church of England, daily finding and devising the increase, advancement, and exaltation of true doctrine and virtue in the said Church, to the only glory and honour of God, and the total extirping and destruction of vice and sin, having knowledge that the premises be true, as well by the accounts of his late visitations, as by sundry credible informations, considering also that divers and great solemn monasteries of this realm, wherein (thanks be to God) religion is right well kept and observed, be destitute of such full numbers of religious persons, as they ought and may keep—has thought good that a plain declaration should be made of the premises, as well to the Lords spiritual and temporal, as to

other his loving subjects, the Commons, in this present Parliament assembled: whereupon the said Lords and Commons, by a great deliberation, finally be resolved, that it is and shall be much more to the pleasure of Almighty God, and for the honour of this his realm, that the possessions of such small religious houses, now being spent, spoiled, and wasted for increase and maintenance of sin, should be used and converted to better uses, and the unthrifty religious persons, so spending the same, to be compelled to reform their lives: and thereupon most humbly desire the king's highness that it may be enacted by authority of this present Parliament, that his majesty shall have and enjoy to him and to his heirs for ever, all and singular such monasteries, priories, and other religious houses of monks, canons, and nuns, of what kinds or diversities of habits, rules, or orders soever they be called or named, which have not in lands, tenements, rents, tithes, portions, and other hereditaments, above the clear yearly value of two hundred pounds. And in like manner shall have and enjoy all the sites and circuits of every such religious houses, and all and singular the manors, granges, meases, lands, tenements, rents, reversions, services, tithes, pensions, portions, churches, chapels, advowsons, patronages, annuities, rights, entries, conditions, and other hereditaments appertaining or belonging to every such monastery, priory, or other religious house, not having, as is aforesaid, above the said clear yearly value of two hundred pounds, in as large and ample manner as the abbots, priors, abbesses, prioresses, or other governors of such monasteries, priories, and other religious houses now have, or ought to have the same in the right of their houses. And that also his highness shall have to him and to his heirs all and singular such monasteries, abbeys, and priories, which at any time within one year next before the making of this Act have been given and granted to his majesty by any abbot, prior, abbess, or prioress, under their

1536.

Possessions of smaller monasteries to be applied to better uses; 'unthrifty religious persons' to reform their lives.

All monasteries, the lands of which do not amount to above 200*l.* *per annum*, given to the king.

The king shall also have all monasteries which, within one

1536. convent seals, or that otherwise, have been suppressed or dissolved, and all and singular the manors, lands, tenements, rents, services, reversions, tithes, pensions, portions, churches, chapels, advowsons, patronages, rights, entries, conditions, and all other interests and hereditaments to the same monasteries, abbeys, and priories, or to any of them appertaining or belonging; to have and to hold all and singular the premises, with all their rights, profits, jurisdictions, and commodities, unto the king's majesty, and to his heirs and assigns for ever, to do and use therewith his and their own wills, to the pleasure of Almighty God, and to the honour and profit of this realm.

year before the making of this Act, have been assured to him, or that have been otherwise suppressed.

How to be employed.

Grantees of suppressed abbey lands to enjoy same as fully as the late possessors.

And it is ordained and enacted by the authority aforesaid, that all and every person and persons, and bodies politic, which now have, or hereafter shall have, any letters patent of the king's highness, of any of the sites, circuits, manors, lands, tenements, rents, reversions, services, tithes, pensions, portions, churches, chapels, advowsons, patronages, tithes (*sic*), entries, conditions, interests, or other hereditaments, which appertained to any monasteries, abbeys, or priories heretofore given or granted to the king's highness, or otherwise suppressed or dissolved, or which appertain to any the monasteries, abbeys, priories, or other religious houses that shall be suppressed or dissolved by authority of this Act, shall have and enjoy the said sites, circuits, manors, lands, tenements, rents, reversions, services, tithes, pensions, portions, churches, chapels, advowsons, patronages, tithes (*sic*), entries, conditions, interests, and all other hereditaments, contained and specified in their letters patent now being thereof made, and to be contained and expressed in any letters patent hereafter to be made, according to the tenor, purport, and effect of any such letters patent; and shall also have all such actions, suits, entries, and remedies to all intents and purposes, for any thing and things contained in any such letters patent now made, or to be contained in

any such letters hereafter to be made, in like manner, form, and condition, as the abbots, priors, abbesses, prioresses, or other chief governors of any religious houses which had the same, might or ought to have had, if they had not been suppressed or dissolved. 1536.

Saving to every person and persons, and bodies politic, their heirs and successors (other than the abbots, priors, abbesses, prioresses, and other chief governors of the said religious houses specified in this Act, and the convents of the same, and their successors, and such as pretend to be founders, patrons, or donors of such religious houses, or of any lands, tenements, or hereditaments belonging to the same, and their heirs and successors), all such right, title, interest, possession, leases for years, rents, services, annuities, commons, fees, offices, liberties and livings, pensions, portions, corrodies, synodies, proxies, and all other profits, as they or any of them have, ought, or might have had, in or to any the said monasteries, abbeys, priories, or other religious houses, or in or to any manors, lands, tenements, rents, reversions, tithes, pensions, portions, or other hereditaments appertaining or belonging, or that appertained to any of the said monasteries, priories, or other religious houses, as if the same monasteries, priories, or other religious houses had not been suppressed by this Act, but had continued in their essential bodies and states that they now be, or were in. A saving of the rights of those holding lands, &c., from the monasteries to be dissolved;

Provided always, and be it enacted, that forasmuch as divers of the chief governors of such religious houses, determining the utter spoil and destruction of their houses, and dreading the suppressing thereof, for the maintenance of their detestable lives, have lately fraudulently and craftily made feoffments, estates, gifts, grants, and leases, under their convent seals, or suffered recoveries of their manors, lands, tenements, and hereditaments in fee simple, fee tail, for term of life or lives, or for years, or charged the same with rents but fraudulent assurances of property shall be void.

1536. or corrodies, to the great decay and diminution of their houses; that all such crafty and fraudulent recoveries, feoffments, estates, gifts, grants, and leases, and every of them, made by any of the said chief governors of such religious houses, under their convent seals, within one year next before the making of this Act, shall be utterly void and of none effect; provided always, that such person and persons as have leases for term of life or years, whereupon is reserved the old rents and services accustomed, and such as have any office, fees, and corrodies that have been accustomed or used in such religious houses, or have bought any livery or living in any such houses, shall have and enjoy their said leases, offices, fees, corrodies, liberties, liveries, or livings, as if this Act had never been made.

Ornaments, jewels, goods, chattels, and debts of the dissolved monasteries given to the king.

And it is also enacted, by authority aforesaid, that the king's highness shall have and enjoy to his own proper use, all the ornaments, jewels, goods, chattels, and debts, which appertained to any of the chief governors of the said monasteries or religious houses, in the right of their said monasteries or houses, at the first day of March in the year of our Lord God 1535, or any time since, wheresoever, and to whose possession soever they shall come or be found, except only such beasts, grain, and woods, and such other like chattels and revenues, as have been sold in the said first day of March or since, for the necessary or reasonable expenses or charges of any of the said monasteries or houses.

Abbots, priors, &c., elected since Jan. 1, 1534, discharged from the payment of first-fruits.

Provided always, that such of the said chief governors which have been elected or made abbot, prior, abbess, or prioress of any of the said religious houses since the first day of January, which was in the year of our Lord God 1534, and by reason thereof be bounden to pay the first-fruits to the king's highness, at days to come, limited by their bonds made for the same, that in every such house such chief governor, and the sureties of every of them, shall be

clearly discharged by authority of this Act, against the king's highness, and all other persons, for the payment of such sums of money as they stand bounden to pay for their said first-fruits, or for any part thereof. 1536.

The king shall have the actual possession of the lands of such abbeys, &c., by this Act to be dissolved, whose possessions appear to be of a less annual value than 200*l.*

And forasmuch as the clear yearly value of all the said monasteries, priories, and other religious houses in this realm, is certified into the king's exchequer, amongst the books of the yearly valuations of all the spiritual possessions of this realm, amongst which shall and may appear the certainty and number of such small and little religious houses, as have not, in lands, tenements, rents, tithes, portions, and other hereditaments, above the said clear yearly value of two hundred pounds; be it therefore enacted by authority aforesaid, that the king's highness shall have and enjoy, according to this Act, the actual and real possession of all and singular such monasteries, priories, and other religious houses, as shall appear by the said certificate remaining in the king's exchequer, not to have in lands, tenements, rents, tithes, portions, and other hereditaments, above the said clear yearly value of two hundred pounds, so that his highness may lawfully give, grant, and dispose them, or any of them, at his will and pleasure, to the honour of God, and the wealth of this realm, without further inquisition or office to be had or found for the same.

Provision made for heads of suppressed houses.

The king will have respect for such as preserve goods and ornaments for his use.

In consideration of which premises to be had to his highness, and to his heirs, as is aforesaid, his majesty is pleased and contented, of his most excellent charity, to provide to every chief head and governor of every such religious house, during their lives, such yearly pensions and benefices as for their degrees and qualities shall be reasonable and convenient; wherein his highness will have most tender respect to such of the said chief governors as well and truly conserve and keep the goods and ornaments of their houses to the use of his majesty, without spoil, waste, or embezzling the

1536. same; and also his majesty will ordain and provide that the convents of every such religious house shall have their capacities, if they will, to live honestly and virtuously abroad, and some convenient charity disposed to them towards their living, or else shall be committed to such honourable great monasteries of this realm wherein good religion is observed, as shall be limited by his highness, there to live religiously during their lives; and it is ordained by the authority aforesaid, that the chief governors and convents of such honourable great monasteries shall take and accept into their houses, from time to time, such number of the persons of the said convents as shall be assigned and appointed by the king's highness, and keep them religiously, during their lives, within their said monasteries, in like manner and form as the convents of such great monasteries be ordered and kept.

Provision for members of dissolved religious communities.

Governors of greater monasteries shall receive them into their houses.

Provided always, that all archbishops, bishops, and other persons which be or shall be chargeable to and for the collection of the tenth, granted and going out of the spiritual possessions of this realm, shall be discharged and acquitted of and for such parts and portions of the said tenth wherewith the said houses of religion, suppressed and dissolved by this Act, were charged or chargeable to the king's highness, except of such sums of money thereof, as they or any of them have or shall have received for the said tenth, of the chief governors of such religious houses.

Discharge of those chargeable with the collection of tenths of the monasteries to be suppressed.

Provided also, that where the clergy of the province of Canterbury stand and be indebted to the king's highness in great sums of money, remaining yet unpaid, of the rest of a hundred thousand pounds granted and given to his grace in their Convocation, towards the payment whereof the said religious houses should have been contributory if they had not been suppressed by this Act; and also some of the governors of the said religious houses

Proviso with respect to arrears of 100 000*l.* granted to the king by the clergy of the province of

1536. Canterbury.

have been collectors for levying of the said debt, and have received thereof great sums of money yet remaining in their hands; the king's most royal majesty is pleased and contented to deduct, abate, release, and defalk, to the said clergy, of the said rest yet unpaid, as well such sums of money as any the chief governors of such religious houses have received, and not paid, as so much money as every of the said religious houses, suppressed by this Act, were rated and taxed to pay in any one year, to and for the payment of the said hundred thousand pounds: and also the king's majesty is pleased and contented, that it be enacted by authority aforesaid, that his highness shall satisfy, content, and pay all and singular such just and true debts which are owing to any person or persons by the chief governors of any the said religious houses, in as large and ample manner as the said chief governors should or ought to have done if this Act had never been made:

The king will pay the debts of the suppressed monasteries.

Provided alway, that the king's highness, at any time after the making of this Act, may at his pleasure ordain and declare, by his letters patent under his great seal, that such of the said religious houses which his highness shall not be disposed to have suppressed nor dissolved by authority of this Act, shall still continue, remain, and be in the same body corporate, and in the said essential estate, quality, and condition, as well in possessions as otherwise, as they were afore the making of this Act, without any suppression or dissolution thereof, or of any part of the same, by authority of this Act, and that every such ordinance and declaration, so to be made by the king's highness, shall be good and effectual to the chief governors of such religious houses which his majesty will not have suppressed, and to their successors, according to the tenors and purports of the letters patent thereof to be made; any thing or things contained in this Act to the contrary hereof notwithstanding.

The king, by direct grant, may continue undissolved any religious house.

1536. Proviso for the clergy of the province of York, similar to that for Canterbury.

Provided also, that where the clergy of the province of York stand and be indebted to the king's highness in great sums of money yet unpaid, of the rest of such sums of money which were granted by them to his grace in their Convocation, towards the payment whereof the religious houses that shall be suppressed and dissolved by this Act, being within the same province, should have been contributory if they had not been dissolved, and also some of the governors of the said religious houses within the said province, that shall be suppressed by this Act, have been collectors for levying of part of the said sums of money granted to the king's highness as is aforesaid, and have certain sums thereof in their hands yet unpaid, the king's majesty is pleased and contented to deduct, abate, release, and defalk, to the said clergy of the said province of York, of the rest of their said debt yet unpaid, as well such of the said sums of money, as any chief governors of any religious houses within the same province, that shall be suppressed by this Act, have collected and not paid, as so much money as every of the said religious houses, suppressed by this Act, were rated and taxed to pay in any one year, towards the payment of the said sums of money granted to the king's highness.

This Act not to extend to the cells of the greater monasteries.

Provided always, that this Act, or any thing or things therein contained, shall not extend, nor be prejudicial to any abbots or priors of any monasteries or priories, being certified into the king's exchequer to have in possessions and profits spiritual and temporal above the clear yearly value of two hundred pounds, for or concerning such cells of religious houses, appertaining or belonging to their monasteries or priories, in which cells the priors or other chief governors thereof be under the obedience of the abbots or priors to whom such cells belong, as the monks or canons of the convents of their monasteries or priories, and cannot sue nor be sued, by the laws of this realm,

in or by their own proper names, for the possessions or other things appertaining to such cells whereof they be priors or governors, but must sue and be sued in and by the names of the abbots or priors to whom they be obediencers, and to whom such cells belong, and also be priors or governors dative, and removeable from time to time, and accountants of the profits of such cells, at the only pleasure and will of the abbots or priors to whom such cells belong; but that every such cell shall be and remain undissolved in the same estate, quality, and condition, as if this Act had never been made; anything in this Act to the contrary hereof notwithstanding. 1536.

A saving of the rights of founders, &c., of the religious houses now to be suppressed.

Saving always, and reserving unto every person and persons, being founders, patrons, or donors of any abbeys, priories, or other religious houses, that shall be suppressed by this Act, their heirs and successors, all such right, title, interest, possession, rents, annuities, fees, offices, leases, commons, and all other profits whatsoever, which any of them have, or should have had, without fraud or covin, by any manner of means, otherwise than by reason or occasion of the dissolution of the said abbeys, priories, or other religious houses, in, to, or upon any the said abbeys, priories, or other religious houses, whereof they be founders, patrons, or donors, or in, to, or upon any the lands, tenements, or other hereditaments appertaining or belonging to the same, in like manner, form, and condition as other persons and bodies politic be saved by this Act, as is afore rehearsed, and as if the said abbeys, priories, or other religious houses had not been suppressed and dissolved by this Act, but had continued still in their essential bodies and estates as they be now in; anything in this Act to the contrary hereof notwithstanding.

Grantees of the sites of suppressed

And be it further enacted, ordained, and established by authority aforesaid, that all and singular persons, bodies politic and corporate, to whom the king's majesty, his heirs

1536. monasteries to keep up hospitality and husbandry as before accustomed.

or successors, hereafter shall give, grant, let, or demise any site or precinct, with the houses thereupon builded, together with the demesnes of any monasteries, priories, or other religious houses, that shall be dissolved or given to the king's highness by this Act, and the heirs, successors, executors, and assigns of every such person, body politic and corporate, shall be bound by authority of this Act, under the penalties hereafter ensuing, to keep, or cause to be kept, an honest continual house and household in the same site or precinct, and to occupy yearly as much of the same demesnes in ploughing and tillage of husbandry, that is to say, as much of the said demesnes which hath been commonly used to be kept in tillage by the governors, abbots, or priors of the same houses, monasteries, or priories, or by their farmer or farmers occupying the same within the time of twenty years next before this Act.

Penalties for neglecting so to do.

And if any person or persons, bodies politic or corporate, that shall be bounden by this Act, do not keep an honest household husbandry and tillage, in manner and form as is aforesaid, that then he or they so offending shall forfeit to the king's highness for every month so offending, six pounds thirteen shillings and fourpence, to be recovered to his use in any of his courts of record.

Justices of peace shall inquire of and punish offenders.

And over that it is enacted by authority aforesaid, that all justices of peace, in every shire where any such offence shall be committed or done, contrary to the true meaning and intent of this present Act, shall, in every quarter and general sessions within the limits of their commission, inquire of the premises, and shall have full power and authority to hear and determine the same, and to tax and assess no less fine for every the said offences, than is afore limited for the same offences, and the estreats thereof to be made and certified into the king's exchequer, according and at such time and form as other estreats of fines, issues, and amerciaments are made by the same justices.

LXII.

THE FIRST ROYAL INJUNCTIONS OF HENRY VIII, A. D. 1536.

THESE injunctions were issued by the king in the summer of 1536, shortly after the passing of the Ten Articles by Convocation. Wriothesley (Chronicle, p. 55) says of them that 'this was the first act of pure supremacy done by the king, for in all that had gone before he had acted with the concurrence of Convocation.' They are also to be noted as the first of the Tudor Injunctions. 1536.

[Transcr. Cranmer's Register, fol. 97 b.]

In the name of God, Amen. In the year of our Lord God 1536, and of the most noble reign of our sovereign lord Henry VIII, king of England and of France, the twenty-eighth year, and the —— day of ——, I, Thomas Crumwell, knight, Lord Crumwell, keeper of the privy seal of our said sovereign lord the king, and vicegerent unto the same, for and concerning all his jurisdiction ecclesiastical within this realm, visiting by the king's highness's supreme authority ecclesiastical the people and clergy of this deanery of —— by my trusty commissary —— lawfully deputed and constituted for this part, have to the glory of Almighty God, to the king's highness's honour, the public weal of this his realm, and increase of virtue in the same, appointed and assigned these injunctions ensuing, to be kept and observed of the dean, parsons, vicars, curates, and stipendiaries resident or having cure of souls, or any other spiritual administration within this deanery, under the pains hereafter limited and appointed.

Crumwell, as the king's vicegerent,

appoints these injunctions which follow

to all with cure of souls in the deanery visited:

The first is, that the dean, parsons, vicars, and others having cure of souls anywhere within this deanery, shall

1. The clergy are to observe

1536. faithfully keep and observe, and as far as in them may lie,
all anti-papal laws, shall cause to be observed and kept of other, all and singular laws and statutes of this realm made for the abolishing and extirpation of the Bishop of Rome's pretensed and usurped power and jurisdiction within this realm, and for
the royal supremacy, the establishment and confirmation of the king's authority and jurisdiction within the same, as of the supreme head of the Church of England, and shall to the uttermost of their wit, knowledge, and learning, purely, sincerely, and without any colour or dissimulation declare, manifest, and open for the space of one quarter of a year now next ensuing, once
and to preach against the pope's usurped power. every Sunday, and after that at the leastwise twice every quarter, in their sermons and other collations, that the Bishop of Rome's usurped power and jurisdiction, having no establishment nor ground by the law of God, was of most just causes taken away and abolished; and therefore they owe unto him no manner of obedience or subjection, and that the king's power is within his dominion the highest power and potentate under God, to whom all men within the same dominion by God's commandment owe most loyalty and obedience, afore and above all other powers and potentates in earth.

2 The Ten Articles are to be explained by the clergy to their people. Item, whereas certain Articles were lately devised and put forth by the king's highness's authority, and condescended upon by the prelates and clergy of this his realm, in Convocation, whereof part are necessary to be holden and believed for our salvation, and the other part do concern and touch certain laudable ceremonies, rites, and usages of the Church meet and convenient to be kept and used for a decent and a politic order in the same; the said dean, parsons, vicars, and other curates shall so open and declare in their said sermons and other collations the said Articles unto them that be under their cure, that they may plainly know and discern which of them be necessary to be believed and observed for their salvation; and which be not necessary, but only do

concern the decent and politic order of the said Church, according to such commandment and admonition as has been given unto them heretofore by authority of the king's highness in that behalf. 1536.

Moreover, that they shall declare unto all such as be under their cure the Articles likewise devised, put forth, and authorized of late for and concerning the abrogation of certain superfluous holy days, according to the effect and purport of the same Articles, and persuade their parishioners to keep and observe the same inviolably, as things holily provided, decreed, and established by common consent and public authority for the weal, commodity, and profit of all this realm. 3. The new arrangement as to holy days is to be declared.

Besides this, to the intent that all superstition and hypocrisy, crept into divers men's hearts, may vanish away, they shall not set forth or extol any images, relics, or miracles for any superstition or lucre, nor allure the people by any enticements to the pilgrimage of any saint, otherwise than is permitted in the Articles lately put forth by the authority of the king's majesty and condescended upon by the prelates and clergy of this his realm in Convocation, as though it were proper or peculiar to that saint to give this commodity or that, seeing all goodness, health, and grace ought to be both asked and looked for only of God, as of the very Author of the same, and of none other, for without Him that cannot be given; but they shall exhort as well their parishioners as other pilgrims, that they do rather apply themselves to the keeping of God's commandments and fulfilling of His works of charity, persuading them that they shall please God more by the true exercising of their bodily labour, travail, or occupation, and providing for their families, than if they went about to the said pilgrimages; and that it shall profit more their soul's health, if they do bestow that on the poor and needy, which they would have bestowed upon the said images or relics. 4. They are to forbear superstitious ceremonies and so to teach their people.

1536.

5. They are to procure the teaching of the Lord's Prayer, Creed, and Ten Commandments,

Also in the same their sermons and other collations, the parsons, vicars, and other curates abovesaid shall diligently admonish the fathers and mothers, masters and governors of youth, being within their cure, to teach or cause to be taught their children and servants, even from their infancy, their 'Pater noster,' the Articles of our faith, and the Ten Commandments in their mother tongue; and the same so taught, shall cause the said youth oft to repeat and understand; and to the intent this may be the more easily done, the said curates shall in their sermons deliberately and plainly recite oft the said 'Pater noster,' the Articles of our faith, and the Ten Commandments, one clause or Article one day, and another another day, till the whole be taught and learned by little; and shall deliver the same in writing, or show where printed books containing the same are to be sold, to them that can read or will desire the same; and thereto that the said fathers and mothers, masters and governors do bestow their children and servants, even from their childhood, either to learning, or to some other honest exercise, occupation, or husbandry, exhorting, counselling, and by all the ways and means they may, as well in their

and to encourage the proper instruction and welfare of the young.

said sermons and collations, as other ways, persuading the said fathers, mothers, masters, and other governors, being under their cure and charge, diligently to provide and foresee that the said youth be in no manner wise kept or brought up in idleness, lest at any time afterward they be driven, for lack of some mystery or occupation to live by, to fall to begging, stealing, or some other unthriftiness; forasmuch as we may daily see through sloth and idleness divers valiant men fall, some to begging and some to theft and murder, which after, brought to calamity and misery, imputed great part thereof to their friends and governors, which suffered them to be brought up so idly in their youth; where if they had been well educated and brought up in some good literature, occupation, or mystery, they

should, being rulers of their own family, have profited as well themselves, as divers other persons, to the great commodity and ornament of the common weal. 1536.

Also, that the said parsons, vicars, and other curates shall diligently provide that Sacrament and sacramentals be duly and reverently ministered in their parishes; and if at any time it happen them other in any of the cases expressed in the statutes of this realm, or of special licence given by the king's majesty, to be absent from their benefices, they shall leave their cures, not to a rude and unlearned person, but to an honest, well learned, and expert curate, that may teach the rude and unlearned of their cure wholesome doctrine, and reduce them to the right way that do err; and always let them see that neither they nor their vicars do seek more their own profit, promotion, or advantage, than the profit of the souls that they have under their cure, or the glory of God. 6. They are to provide for the due administration of the Sacraments.

Also, the said dean, parsons, vicars, curates, and other priests shall in no wise, at any unlawful time, nor for any other cause than for their honest necessity, haunt or resort to any taverns or alehouses, and after their dinner or supper they shall not give themselves to drinking or riot, spending their time idly, by day or by night, at tables or card-playing, or any other unlawful game; but at such times as they shall have such leisure they shall read or hear somewhat of Holy Scripture, or shall occupy themselves with some other honest exercise, and that they always do those things which appertain to good congruence and honesty, with profit of the commonweal, having always in mind that they ought to excel all other in purity of life, and should be example to all other to live well and Christianly. 7. They are not to haunt taverns, but to give themselves to the study of Scripture, and to be good examples.

Furthermore, because the goods of the Church are called the goods of the poor, and at these days nothing is less seen than the poor to be sustained with the same, all parsons, vicars, pensionaries, prebendaries, and other beneficed men within this deanery, not being resident upon their 8. Non-residentiaries are to be ready to give alms.

1536. benefices, which may dispend yearly twenty pounds or above within this deanery or elsewhere, shall distribute hereafter yearly amongst their poor parishioners, or other inhabitants there, in the presence of the churchwardens or some other honest men of the parish, the fortieth part of the fruits and revenues of their said benefices, lest they be worthily noted of ingratitude, which, reserving so many parts to themselves, cannot vouchsafe to impart the fortieth portion thereof amongst the poor people of that parish, that is so fruitful and profitable unto them.

9. Clergy with means are to support exhibitioners,

And to the intent that learned men may hereafter spring the more for the execution of the premises, every parson, vicar, clerk, or beneficed man within this deanery, having yearly to dispend, in benefices and other promotions of the Church, an hundred pounds, shall give competent exhibition to one scholar, and for as many hundred pounds more as he may dispend, to so many scholars more shall give like exhibition in the University of Oxford or Cambridge, or some grammar school, which, after they have profited in good learning, may be partners of their patron's cure and charge, as well in preaching as otherwise in the execution of their offices, or may, when need shall be, otherwise profit the commonwealth with their counsel and wisdom.

who shall serve with them or elsewhere.

10. The clergy are to make good all dilapidations at a given rate.

Also, that all parsons, vicars, and clerks, having churches, chapels, or mansions within this deanery, shall bestow yearly hereafter upon the same mansions or chancels of their churches, being in decay, the fifth part of their benefices, till they be fully repaired, and the same, so repaired, shall always keep and maintain in good state.

All which and singular Injunctions shall be inviolably observed of the said dean, parsons, vicars, curates, stipendiaries, and other clerks and beneficed men, under the pain of suspension and sequestration of the fruits of their benefices, until they have done their duty according to these injunctions.

LXIII.

THE SECOND ROYAL INJUNCTIONS OF HENRY VIII, A.D. 1538.

THESE second Injunctions were drawn up by Crumwell, and sent by him to Cranmer in a letter dated September 30, [1538]. On October 11 following Cranmer issued, to the Archdeacons of the province, or their officials, a mandate for their publication (Wilkins, iii. 837). Wilkins has printed them under the year 1536 (ibid. 815). 1538.

[Transcr. Cranmer's Register, fol. 215 b.]

In the name of God, Amen. By the authority and commission of the most excellent Prince Henry, by the grace of God king of England and of France, defender of the faith, lord of Ireland, and in earth supreme head under Christ of the Church of England, I, Thomas, lord Crumwell, lord privy seal, vicegerent to the king's said highness for all his jurisdictions ecclesiastical within this realm, do for the advancement of the true honour of Almighty God, increase of virtue, and discharge of the king's majesty, give and exhibit unto you —— these injunctions following, to be kept, observed, and fulfilled upon the pains hereafter declared. Crumwell's address.

First, that you shall truly observe and keep all and singular the king's highness's injunctions given unto you heretofore in my name by his grace's authority, not only upon the pains therein expressed, but also in your default now after this second monition continued, upon further punishment to be straitly extended towards you by the king's highness's arbitrament or his vicegerent aforesaid. 1. Confirmation of preceding injunctions.

Item, that you shall provide on this side the feast of Easter next coming, one book of the whole Bible of the largest volume, in English, and the same set up in some convenient place within the said church that you have cure of, whereas your parishioners may most commodiously resort to the 2. The Great Bible to be set up in churches.

1538. same, and read it; the charges of which book shall be rateably borne between you, the parson, and the parishioners aforesaid, that is to say, the one half by you, and the other half by them.

3. Bible reading to be promoted, but without contention.

Item, that you shall discourage no man privily or apertly from the reading or hearing of the said Bible, but shall expressly provoke, stir, and exhort every person to read the same, as that which is the very lively word of God, that every Christian man is bound to embrace, believe, and follow, if he look to be saved; admonishing them nevertheless, to avoid all contention and altercation therein, and to use an honest sobriety in the inquisition of the true sense of the same, and refer the explication of obscure places to men of higher judgment in Scripture.

4. Regular instruction to be given in the Articles of the Christian faith.

Item, that you shall every Sunday and holy day through the year openly and plainly recite to your parishioners twice or thrice together, or oftener, if need require, one particle or sentence of the 'Pater noster' or Creed, in English, to the intent they may learn the same by heart, and so from day to day to give them one like lesson or sentence of the same, till they have learned the whole 'Pater noster' and Creed, in English, by rote; and as they be taught every sentence of the same by rote, you shall expound and declare the understanding of the same unto them, exhorting all parents and householders to teach their children and servants the same, as they are bound in conscience to do, and that done, you shall declare unto them the Ten Commandments, one by one, every Sunday and holy day, till they be likewise perfect in the same.

5. The people's knowledge of the foregoing to be tested every Lent.

Item, that you shall in confessions every Lent examine every person that comes to confession to you, whether they can recite the Articles of our faith and the 'Pater noster,' in English, and hear them say the same; particularly wherein if they be not perfect, you shall declare to the same that every Christian person ought to know the same before

they should receive the blessed Sacrament of the altar, and monish them to learn the same more perfectly by the next year following, or else like as they ought not to presume to come to God's board without perfect knowledge of the same; and if they do, it is to the great peril of their souls: so you shall declare unto them, that you look for other injunctions from the king's highness by that time, to stay and repel all such from God's board, as shall be found ignorant in the premises; whereof you do thus admonish them, to the intent they should both eschew the peril of their souls, and also the worldly rebuke that they might incur hereafter by the same. 1538.

Item, that you shall make, or cause to be made in the said church, and every other cure you have, one sermon every quarter of the year at the least, wherein you shall purely and sincerely declare the very gospel of Christ, and in the same exhort your hearers to the works of charity, mercy, and faith, specially prescribed and commanded in Scripture, and not to repose their trust or affiance in any other works devised by men's phantasies beside Scripture; as in wandering to pilgrimages, offering of money, candles, or tapers to images or relics, or kissing or licking the same, saying over a number of beads, not understood or minded on, or in such-like superstition, for the doing whereof you not only have no promise of reward in Scripture, but contrariwise, great threats and maledictions of God, as things tending to idolatry and superstition, which of all other offences God Almighty does most detest and abhor, for that the same diminishes most His honour and glory. 6. Scriptural sermons to be preached, and superstition to be discouraged.

Item, that such feigned images as you know in any of your cures to be so abused with pilgrimages or offerings of anything made thereunto, you shall for avoiding that most detestable offence of idolatry forthwith take down and delay, and shall suffer from henceforth no candles, tapers, or images of wax to be set afore any image or picture, but 7. Images, candles, &c., to be taken away with certain exceptions, and instruction

1538. concerning their use and abuse to be given.

only the light that commonly goeth across the church by the rood loft, the light before the Sacrament of the altar, and the light about the sepulchre, which for the adorning of the church and divine service you shall suffer to remain; still admonishing your parishioners that images serve for none other purpose but as to be books of unlearned men that cannot know letters, whereby they might be otherwise admonished of the lives and conversation of them that the said images do represent; which images, if they abuse for any other intent than for such remembrances, they commit idolatry in the same to the great danger of their souls: and therefore the king's highness, graciously tendering the weal of his subjects' souls, has in part already, and more will hereafter travail for the abolishing of such images, as might be occasion of so great an offence to God, and so great a danger to the souls of his loving subjects.

8. Provision to be made where the clergy are non-resident.

Item, that all in such benefices or cures as you have, whereupon you be not yourself resident, you shall appoint such curates in your stead, as both can by their ability, and will also promptly execute these Injunctions and do their duty; otherwise that you are bound in every behalf accordingly, and may profit their cure no less with good example of living, than with declaration of the word of God; or else their lack and defaults shall be imputed unto you, who shall straitly answer for the same, if they do otherwise.

9. Duly licensed preachers only are to officiate.

Item, that you shall admit no man to preach within any your benefices or cures, but such as shall appear unto you to be sufficiently licensed thereunto by the king's highness or his grace's authority, by the Archbishop of Canterbury, or the bishop of this diocese; and such as shall be so licensed you shall gladly receive to declare the word of God, without any resistance or contradiction.

10. Clergy to recant erroneous teaching

Item, if you have heretofore declared to your parishioners anything to the extolling or setting forth of pilgrimages, feigned relics, or images, or any such superstition, you shall

now openly, afore the same, recant and reprove the same, showing them, as the truth is, that you did the same upon no ground of Scripture, but as one being led and seduced by a common error and abuse crept into the Church, through the sufferance and avarice of such as felt profit by the same. 1538. about pilgrimages, relics, images, &c.

Item, if you do or shall know any man within your parish, or elsewhere, that is a letter of the word of God to be read in English, or sincerely preached, or of the execution of these Injunctions, or a fautor of the Bishop of Rome's pretensed power, now by the law of this realm justly rejected and extirped, you shall detect and present the same to the king's highness, or his honourable council, or to his vicegerent aforesaid, or the justice of peace next adjoining. 11. Those who withstand the tenor of these Injunctions to be presented.

Item, that you, and every parson, vicar, or curate within this diocese, shall for every church keep one book or register, wherein ye shall write the day and year of every wedding, christening, and burying made within your parish for your time, and so every man succeeding you likewise; and also there insert every person's name that shall be so wedded, christened, or buried; and for the safe keeping of the same book, the parish shall be bound to provide of their common charges one sure coffer with two locks and keys, whereof the one to remain with you, and the other with the wardens of every such parish, wherein the said book shall be laid up; which book you shall every Sunday take forth, and in the presence of the said wardens, or one of them, write and record in the same all the weddings, christenings, and buryings made the whole week before, and that done, to lay up the book in the said coffer as before; and for every time that the same shall be omitted, the party that shall be in the fault thereof shall forfeit to the said church three shillings and fourpence, to be employed on the reparation of the same church. 12. Parish registers to be kept and entrusted to a parish chest.

Item, that you shall once every quarter of a year read these

1538. and the other former Injunctions given unto you by the authority of the king's highness, openly and deliberately before all your parishioners, to the intent that both you may be the better admonished of your duty, and your said parishioners the more incited to ensue the same for their part.

13. These and the previous Injunctions to be read quarterly.

14. Tithes to be paid and clergy who neglect their duty to be reported.

Item, forasmuch as by a law established, every man is bound to pay his tithes, no man shall, by colour of duty omitted by their curates, detain their tithes, and so redub one wrong with another, or be his own judge; but shall truly pay the same, as has been accustomed, to their parsons and curates, without any restraint or diminution; and such lack or default as they can justly find in their parsons and curates, to call for reformation thereof at their ordinaries' and other superiors' hands, who upon complaints and due proof thereof shall reform the same accordingly.

15. Clergy are not to alter fasts or services as prescribed without authority.

Item, that no parson shall from henceforth alter or change the order and manner of any fasting day that is commanded and indicted by the Church, nor of any prayer or divine service, otherwise than is specified in the said Injunctions, until such time as the same shall be so ordered and transposed by the king's highness's authority, the eves of such saints whose holy days be abrogated only excepted, which shall be declared henceforth to be no fasting days; excepted also the commemoration of Thomas Bekket, sometime Archbishop of Canterbury, which shall be clean omitted, and instead thereof the ferial service used.

16. Knelling of 'Aves' to be abandoned.

Item, that the knelling of the 'Aves' after service, and certain other times, which has been brought in and begun by the pretence of the Bishop of Rome's pardon, henceforth be left and omitted, lest the people do hereafter trust to have pardon for the saying their 'Aves' between the said knelling, as they have done in times past.

17. Of suffrages

Item, where in times past men have used in divers places in their processions to sing *Ora pro nobis* to so many saints

that they had no time to sing the good suffrages following, as *Parce nobis Domine*, and *Libera nos Domine*, it must be taught and preached that better it were to omit *Ora pro nobis*, and to sing the other suffrages. 1538. in the Litany.

All which and singular Injunctions I minister unto you, and to your successors, by the king's highness's authority to me committed in this part, which I charge and command you by the same authority to observe and keep, upon pain of deprivation, sequestration of the fruits, or such other coercion as [to] the king's highness, or his vicegerent for the time being, shall be seen convenient. The preceding Injunctions to be observed.

LXIV.

ACT FOR THE DISSOLUTION OF THE GREATER MONASTERIES, A.D. 1539.

31 HENRY VIII, CAP. 13.

DURING the years 1537, 1538, and the early part of 1539, numerous further suppressions or surrenders had taken place; these were covered, at the close of the session in 1539, by the following Act, which vested all monastic property in the king. 1539.

[Transcr. Statutes of the Realm, iii. 733.]

Where divers and sundry abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of divers monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places within this our sovereign lord the king's realm of England and Wales, of their own free and voluntary minds, good wills and assents, without constraint, coaction, or compulsion of any manner of person or persons, since the fourth day of February, the twenty-seventh year of the reign of our now most dread sovereign lord, by the due The heads of divers religious houses have, since Feb. 4, 27 Hen. VIII, voluntarily surrendered their respective religious houses and posses-

1539. sions into the king's hands.

order and course of the common laws of this his realm of England, and by their sufficient writings of record, under their convent and common seals, have severally given, granted, and by the same their writings severally confirmed all their said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, and all their sites, circuits, and precincts of the same, and all and singular their manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, churches, chapels, advowsons, patronages, annuities, rights, entries, conditions, commons, leets, courts, liberties, privileges, and franchises appertaining or in any wise belonging to any such monastery, abbacy, priory, nunnery, college, hospital, house of friars, and other religious and ecclesiastical houses and places, or to any of them, by whatsoever name or corporation they or any of them were then named or called, and of what order, habit, religion, or other kind or quality soever they or any of them then were reputed, known, or taken ; to have and to hold all the said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lands, tenements, meadows, pastures, rents, reversions, services, and all other the premises, to our said sovereign lord, his heirs and successors for ever, and the same their said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, and other the premises, voluntarily, as is aforesaid, have renounced, left, and forsaken, and every of them has renounced, left, and forsaken.

Such religious

Be it therefore enacted by the king our sovereign lord, and the Lords spiritual and temporal, and the Commons, in

this present Parliament assembled, and by authority of the same, that the king our sovereign lord shall have, hold, possess, and enjoy to him, his heirs and successors for ever, all and singular such late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, of what kinds, natures, qualities, or diversities of habits, rules, professions, or orders they, or any of them, were named, known, or called, which since the said fourth day of February, the twenty-seventh year of the reign of our said sovereign lord, have been dissolved, suppressed, renounced, relinquished, forfeited, given up, or by any other mean come to his highness; and by the same authority, and in like manner, shall have, hold, possess, and enjoy all the sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, parsonages appropriated, vicarages, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, commons, leets, courts, liberties, privileges, franchises, and other whatsoever hereditaments, which appertained or belonged to the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious or ecclesiastical houses and places, or to any of them, in as large and ample manner and form as the late abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of such late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, had, held, or occupied, or of right ought to have had, holden, or occupied, in the rights of their said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical houses or places, at the time of the said dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or by any other manner of

1539. houses and their possessions vested in the Crown.

1539. mean coming of the same to the king's highness since the fourth day of February above specified.

The possession of all other religious houses, which shall be hereafter dissolved, given to the king.

And it is further enacted by the authority aforesaid, that not only all the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, and all other the premises, forthwith, immediately, and presently; but also all other monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and all other religious and ecclesiastical houses and places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or by any other mean come unto the king's highness; and also all the sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, parsonages appropriate, vicarages, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, commons, leets, courts, liberties, privileges, franchises, and other hereditaments whatsoever they be, belonging or appertaining to the same or any of them, whensoever and as soon as they shall be dissolved, suppressed, renounced, relinquished, forfeited, given up, or by any other mean come unto the king's highness, shall be vested, deemed, and adjudged by authority of this present Parliament, in the very actual and real seisin and possession of the king our sovereign lord, his heirs and successors for ever, in the state and condition as they now be; and as though all the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places so dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the king's highness, as is aforesaid, as also the said monasteries, abbacies, priories, nunneries, colleges, hospi-

tals, houses of friars, and other religious and ecclesiastical houses and places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come unto the king's highness, sites, circuits, precincts, manors, lordships, granges, lands, tenements, and other the premises, whatsoever they be, and every of them, were in this present Act specially and particularly rehearsed, named, and expressed by express words, names, titles, and faculties, and in their natures, kinds, and qualities. 1539.

All monastic lands shall be within the survey of the court of augmentations, except such as come by attainder.

And be it also enacted by authority aforesaid, that all the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, which being dissolved, suppressed, renounced, relinquished, given up, or come to the king's highness by any manner of means as is aforesaid, and all the manors, lordships, granges, lands, tenements, and other the premises (except such thereof as be come to the king's hands by attainder or attainders of treason), and all the said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses or places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come unto the king's highness, and all the manors, lordships, granges, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, portions, pensions, parsonages appropriate, vicarages, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, commons, leets, courts, liberties, privileges, franchises, and other hereditaments, whatsoever they be, belonging to the same, or to any of them (except such thereof which shall happen to come to the king's highness by attainder or attainders of treason), shall be in the order, survey, and governance of our said sovereign lord the king's court of augmentations of the revenues of his crown, and of the chancellor, officers, and

1539. ministers of the same; and all the farms, issues, revenues, and profits coming and growing of the premises, and every part thereof (except before excepted), shall be ordered, taken, and received for the king's use by the said chancellor, ministers, and officers of the same court, in such and like manner and form as the monasteries, priories, sites, circuits, manors, granges, meases, lands, tenements, rents, reversions, services, tithes, pensions, portions, advowsons, patronages, rights, entries, conditions, and other hereditaments, late appertaining or belonging unto the monasteries, abbacies, priories, or other religious houses late by authority of Parliament suppressed, are ordered, surveyed, and governed. Saving to all and every person and persons and bodies politic, and their heirs and successors, and the heirs and successors of all and every of them—other than the said late abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, and their successors and the successors of every of them, and such as pretend to be founders, patrons, or donors of such monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other ecclesiastical houses and places, or of any manors, messuages, lands, tenements, or other hereditaments belonging to the same, or to any of them, their heirs and successors, and the heirs and successors of every such founder, patron, or donor, and the now abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of such monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the king's highness, and such as pretend to be founders, patrons, or

A general saving of other men's titles.

donors of such monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other ecclesiastical houses and places, or of any manors, messuages, lands, tenements, or other hereditaments to the same belonging, or to any of them, their heirs and successors, and the heirs and successors of every of them—all such right, title, claim, interest, possession, rents, charges, annuities, leases, farms, offices, fees, liveries and livings, portions, pensions, corrodies, commons, synods, proxies, and other profits which they or any of them have, claim, ought, may, or might have had in or to the premises, or to any part or parcel thereof, in such-like manner, form, and condition, to all intents, respects, constructions, and purposes, as if this Act had never been had nor made; rents services, rents seck, and all other services and suits only except. 1539. Exception from that saving.

Provided always, and be it enacted by authority aforesaid, that if any late abbot, prior, prioress, abbess, or other ecclesiastical governor or governess abovesaid, within one year next before the dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming to the king's highness, of his late monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, has made any lease or grant under his convent or common seal, or otherwise, for term of life or for term of years, of the site, circuit, and precinct of his said late monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, or of any part thereof, or of any manors, messuages, granges, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments which belonged or appertained to his said late monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which manors, messuages, granges, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other Leases, &c., made by late abbots, &c., of monastic property, within one year of the dissolution, to be void.

1539. hereditaments were not before the same lease commonly used to be set nor let to farm, but kept and reserved in the manurance, tillage, or occupation of the said governor or governess, for the maintenance of hospitality and good house-keeping, or within one year, as is abovesaid, has made any lease or grant for term of life, or for term of years, of any manors, messuages, lands, tenements, meadows, pastures, woods, parsonages impropriate, tithes, pensions, portions, churches, chapels, or other hereditaments, whatsoever they be, whereof, or in the which, any estate or interest for term of life, year or years, at the time of the making of any such grant or lease, then had its being or continuance, and then was not determined, finished or expired, or within the time of one year, as is abovesaid, has made any lease or grant for term of life, or for term of years, of any manors, messuages, lands, tenements, meadows, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chapels, or other hereditaments, whatsoever they be, upon the which leases and grants the usual and old rents and farms, accustomed to be yielded and reserved by the space of twenty years next before the first day of this present Parliament, is and be not thereupon reserved and holden, or if any such governor or governess has made any bargain or sale of his woods within one year, as is afore limited, which woods be yet growing and standing; that then all and every such lease, grant, bargain, and sale of wood or woods shall be utterly void and of none effect.

Feoffments, &c., of monastic property made by abbots, within one year of the dissolution, to be void.

And it is also enacted by the authority aforesaid, that all feoffments, fines, and recoveries had, made, acknowledged, or suffered by any governor or governess, without the king's licence under his great seal, within one year next before the dissolution, renouncing, relinquishing, forfeiting, giving up, or coming unto the king's highness, of his said monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, or any

manors, meases, lands, tenements, or other hereditaments whatsoever they be, which the said late abbot, prior, abbess, prioress, and other ecclesiastical governors and governesses, or any of them, or any of their predecessors, had or held, of the gift, grant, or confirmation of our said sovereign lord, or of any of his highness's progenitors, or of the which monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical houses or places our said sovereign lord was founder or patron, or which manors, meases, lands, tenements, or other hereditaments were of the ancient or old foundation or possession of the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical houses or places, shall be utterly void and of none effect. 1539.

Leases made by abbots, &c., of monasteries to be suppressed shall be void.

And it is further enacted by the authority aforesaid, that if any abbot, prior, abbess, prioress, or other ecclesiastical governor or governess of any monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the king's highness within one year next before the first day of this present Parliament, have made, or hereafter do make, any lease or grant under his convent or common seal, or otherwise, for term of years, or life or lives, of the site, circuit, and precinct of his said monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, or of any part thereof, or of any manors, messuages, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments belonging or appertaining to his said monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which manors, meases, granges, lands, tenements, parsonages appropriate, tithes, pensions, portions, and other

1539. hereditaments, whatsoever they be, were not, before the same lease, commonly used to be set nor let to farm, but kept and reserved in the manurance, tillage, or occupation of the said governor or governess, for the maintenance of hospitality and good house-keeping, or now be in the manurance, tillage, or occupation of the said governor or governess, for the maintenance of hospitality and good house-keeping, or within one year next before the first day of this present Parliament, has made, or hereafter shall make, any lease or grant for term of life, or for term of years, of any manors, meases, lands, tenements, meadows, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chapels, or other hereditaments, whatsoever they be, whereof, and in the which, any estate or interest for term of life, year or years, at the time of the making of any such grant or lease, then had its being or continuance, or hereafter shall have its being or continuance, and then was not determined, finished, or expired, or at the time of any such lease to be made shall not be determined, finished, or expired, or within one year next before the first day of this present Parliament has made, or hereafter shall make, any lease or grant for term of life, or for term of years, of any manors, messuages, lands, tenements, meadows, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chapels, or other hereditaments, whatsoever they be, upon which leases and grants the usual and old rents and farms accustomed to be yielded and reserved by the space of twenty years next before the said first day of this present Parliament, is or be not or hereafter shall not be thereupon reserved and yielded, or if any such governor or governess of any such monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the

king's highness within one year next before the first day of this present Parliament, has made, or hereafter shall make, any bargain or sale of his woods, which woods be yet growing and standing; that then all and every such lease, grant, bargain, and sale of wood or woods shall be utterly void and of none effect. 1539.

Feoffments, &c., by heads of religious houses to be suppressed to be void.

And it is also enacted by the authority aforesaid, that all feoffments, fines, and recoveries had, made, knowledged, or suffered within one year next before the first day of this present Parliament, or hereafter to be had, made, knowledged, or suffered by any governor or governess of any monastery, abbacy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the king's highness, without the king's licence under his great seal, of any manors, meases, lands, tenements, or other hereditaments, whatsoever they be, which the said abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses, which hereafter shall happen to be dissolved, suppressed, relinquished, forfeited, given up, or come unto the king's highness, as is aforesaid, or any of them, or any of their predecessors had or held, or have and hold, of the gift, grant, or confirmation of our said sovereign lord, or of any of his highness's progenitors, or of the which monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious and ecclesiastical houses and places our said sovereign lord is founder or patron, or which manors, meases, lands, tenements, or other hereditaments were or be of the ancient or old foundation or possession of the said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical houses or places, shall be utterly void and of none effect.

Provided alway, and be it enacted by authority aforesaid,

1539. that if any abbot, prior, abbess, or prioress, or other governor
Proviso for leases for term of years. or governess abovesaid, within one year next before the first day of this present Parliament; or if any late abbot, prior, abbess, prioress, or other late governor or governess abovesaid, within one year next before any such dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming to the king's highness of the premises, or of any parcel thereof, as is aforesaid, have made any demise, lease, or grant to any person or persons for term of years, of any manors, meases, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments aforesaid, which person or persons, at the time of the said demise, lease, or grant, had and held the same to farm for term of years then not expired; that then the said person or persons, to whom any such demise, lease, or grant has been so made, shall have and hold the same for the term of twenty-one years only from the time of the making of the said demise, lease, or grant, if so many years be by the same demise, lease, or grant specified, limited, and expressed, or else for so many years as in such demise, lease, or grant be expressed, so that the old rent be thereupon reserved, and so that the same lease or leases exceed not twenty-one years; this Act or anything therein contained to the contrary notwithstanding.

Proviso for lessees for term of life or lives. Provided also, and be it enacted by the authority aforesaid, that if any abbot, prior, abbess, prioress, or other late governor or governess, within one year next before any such dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming unto the king's highness of the premises, or any parcel thereof, as is aforesaid, have made any demise, lease, or grant to any person or persons, for term of life or lives, of any manors, meases, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments aforesaid, which person or persons, or any of them, at the time of the said demise, lease, or

grant, had and held the same for term of life or lives, or for term of years then not expired; that then the said person or persons, to whom any such lease or grant has been so made, shall have and hold the same for term of their life or lives, so that the old rent be thereupon reserved, this Act or any other thing therein contained to the contrary thereof notwithstanding. 1539.

Provided also, and be it enacted by the authority aforesaid, that all and singular leases and grants, made by copy to any person or persons, of any of the said messuages, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments aforesaid, for term of life or lives, which by the custom of the country hath been used to be demised, let, or granted by copy of court roll, shall be good and effectual in the law, so that the old rent be reserved by and upon every such lease and leases; this Act or anything therein contained to the contrary in any wise notwithstanding. Proviso for tenants holding by copy of court roll.

Provided alway, and be it further enacted by the authority aforesaid, that all leases heretofore made of any of the premises by authority of our sovereign lord the king's court of augmentations of the revenues of his crown, and all such leases, feoffments, and wood-sales made by the said governors and governesses, or any of them, under their convent seals, or under the convent or common seal of any of them, within one year next before the dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming to the king's highness of the said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical houses or places, which said leases, grants, feoffments, and wood-sales have been examined, enrolled, decreed, or affirmed in our said sovereign lord the king's court of augmentations, and the decree of the same put in writing, sealed with the seal of the said court of augmentations, shall be good and effectual Leases allowed and enrolled in the court of augmentations shall stand and be good.

1539. according to the same decree; any clause or Act heretofore in this present Act to the contrary notwithstanding.

Manner of relief for those who have truly paid money for wood to the head of any religious house.

Provided alway, and be it also further enacted by the authority abovesaid, that if any person or persons have justly and truly, without fraud or covin, paid or given any sum or sums of money to any of the said late governors and governesses, for the bargain and sale of any woods, being or growing in or upon any manors, lands, tenements, or hereditaments which appertained or belonged to the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical places, or unto any of them, which bargain and sale by authority of this Act is made void and of none effect, and by means thereof the king's highness may have and take the commodity and profit of such woods so bargained and sold; that then the chancellor and other officers of our said sovereign lord the king's court of augmentations, or three of them, whereof the chancellor for the time being shall be one, of our said sovereign lord the king's treasure remaining in the treasury of the same court, shall satisfy and recompense every such person or persons such sum of money, or other recompense, as the same chancellor and officers, or three of them, whereof the said chancellor shall be one, shall think meet and convenient. And if any other person or persons shall happen to take profit and commodity, by reason of avoiding of such wood-sales by authority of this Act, that then every person and persons, which may or shall take such profit, shall be ordered for satisfaction to be made to the parties that shall happen to be grieved by this Act, by the said chancellor and other officers of the same court.

Proviso for purchasers of the lands, &c., of religious houses

Provided also, and be it further enacted by the authority aforesaid, that all and every person and persons, their heirs and assigns, which since the said fourth day of February, by licence, pardon, confirmation, release, assent, or consent

of our said sovereign lord the king, under his great seal heretofore given, had or made, or hereafter to be had or made, have obtained or purchased by indenture, fine, feoffment, recovery or otherwise, of the said late abbots, priors, abbesses, prioresses, or other governors or governesses of any such monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical houses or places, any monasteries, priories, colleges, hospitals, manors, lands, tenements, meadows, pastures, woods, churches, chapels, parsonages, tithes, pensions, portions, or other hereditaments, shall have and enjoy the same, according to such writings and assurances, as are thereof, before the first day of this present Parliament, or hereafter shall be had or made; 1539. with the king's licence.

Saving to all and every person and persons, and bodies politic, their heirs and successors, and to the heirs and successors of every of them (other than the said late abbots, abbesses, priors, prioresses, and other governors and governesses, and their successors, and the successors of every of them, and such as pretend to be founders, patrons, or donors of the said monasteries, abbacies, priories, nunneries, colleges, hospitals, and other religious or ecclesiastical houses or places, or any of them, or of any manors, messuages, lands, tenements, or other hereditaments late belonging to the same, or to any of them, and their heirs and successors, and the heirs and successors of every such founder, patron, or donor), all such right, title, interest, possession, rents, annuities, commodities, offices, fees, liveries and livings, portions, pensions, corrodies, synods, proxies, and other profits, which they or any of them have, ought or might have had, in or to any of the said monasteries, abbacies, priories, colleges, hospitals, manors, lands, tenements, rents, services, reversions, tithes, pensions, portions, or other hereditaments, at any time before any such purchase, indentures, fines, feoffments, A saving of the right of others, accrued unto them before the said purchase.

1539. recoveries, or other lawful mean between any such parties had or made, as is abovesaid; this Act or anything therein contained to the contrary notwithstanding.

Confirmation of the king's title to lands, &c., purchased and exchanged since Feb. 4, 27 Hen. VIII.

And where our said sovereign lord, since the fourth day of February, the said twenty-seventh year of the reign of our said sovereign lord, has obtained and purchased, as well by exchanges, as by gifts, bargains, fines, feoffments, recoveries, deeds enrolled, and otherwise, of divers and sundry persons, many sundry and divers honours, castles, manors, lands, tenements, meadows, pastures, woods, rents, reversions, services, and other hereditaments, and has not only paid divers and sundry great sums of money for the same, but also has given and granted for the same, unto divers and sundry persons, divers and sundry manors, lands, tenements, and hereditaments, and other recompenses, in and for full satisfaction of all such honours, castles, manors, lands, tenements, rents, reversions, services, and other his hereditaments, by his highness obtained or had, as is abovesaid; be it therefore enacted by the authority aforesaid, that our said sovereign lord the king, his heirs and successors, shall have, hold, possess, and enjoy all such honours, castles, manors, lands, tenements, and other hereditaments, as his highness, since the said fourth day of February, the twenty-seventh year abovesaid, has obtained and had by way of exchange, bargain, purchase, or other whatsoever mean or means, according to the true meaning and intent of his highness's bargain, exchange, or purchase; misrecital, misnaming or non-recital, or not naming of the said honours, castles, manors, lands, tenements, and other hereditaments, comprised or mentioned in the bargains or writings made between the king's highness and any other party or parties, or of the towns or counties where the said honours, castles, manors, lands, tenements, and hereditaments lie and be, or any other matter or cause whatsoever it be, in any wise notwithstanding.

1539.

A saving of the right of all others, but of the sellers, their heirs and wives.

Saving to all and every person and persons and to their heirs, bodies politic and corporate, and to their successors, and to every of them (other than such person and persons, and their heirs, and their wives, and the wives of every of them, bodies politic and corporate, and their successors, and every of them, of whom the king's highness has obtained by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled or otherwise, any such honours, castles, manors, lands, tenements, and other hereditaments as is aforesaid), all such right, title, use, interest, possession, rents, charges, annuities, commodities, fees, and other profits (rents services and rents seck only except) which they or any of them have, might or ought to have had, in or to the premises so obtained and had, or in or to any parcel thereof, if this Act had never been had nor made; this present Act or anything therein contained to the contrary notwithstanding.

Recital that the king had granted out much monastic property.

And where it has pleased the king's highness, of his abundant grace and goodness, as well upon divers and sundry considerations his majesty specially moving, as also otherwise, to have bargained, sold, changed, or given and granted by his grace's several letters patent, indentures, or other writings, as well under his highness's great seal, as under the seal of his highness's Duchy of Lancaster, and the seal of the office of the augmentations of his crown, unto divers and sundry of his loving and obedient subjects, divers and sundry honours, castles, manors, monasteries, abbacies, priories, lands, tenements, rents, reversions, services, parsonages appropriate, advowsons, liberties, tithes, oblations, portions, pensions, franchises, privileges, liberties (*sic*), and other hereditaments, commodities, and profits, in fee simple, fee tail, for term of life, or for term of years, for avoiding of which said letters patent, and of the contents of the same, divers, sundry, and many ambiguities, doubts, and questions might hereafter arise, be moved and

1539. stirred, as well for misrecital or non-recital, as for divers other matters, things, or causes to be alleged, objected, or invented against the said letters patent, as also for lack of finding of offices or inquisitions, whereby the title of his highness therein ought to have been found, before the making of the same letters patent, or for misrecital or non-recital of leases, as well of record as not of record, or for lack of the certainty of the values, or by reason of misnaming of the honours, castles, manors, monasteries, abbacies, priories, lands, tenements, and other hereditaments comprised and mentioned within the same letters patent, or of the towns and counties where the same honours, castles, manors, monasteries, abbacies, priories, lands, tenements, rents, and other hereditaments lie and be, as for divers and sundry other suggestions and surmises, which hereafter might happen to be moved, surmised, and procured against the same letters patent, albeit the words in effect contained in the said letters patent be according to the true intent and meaning of his most royal majesty:

Such grants sufficient notwithstanding misrecital, &c.

Be it therefore enacted by the authority of this present Parliament, that as well all and every the said letters patent, indentures, and other writings, and every of them, under the seal or seals abovesaid, or of any of them, made or granted by the king's highness since the said fourth day of February, the said twenty-seventh year of his most noble reign, as all and singular other his grace's letters patent, indentures, or other writings to be had, made, or granted to any person or persons within three years next after the making of this present Act, of any honours, castles, manors, monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or of other religious or ecclesiastical houses or places, sites, circuits, precincts, lands, tenements, parsonages, tithes, pensions, portions, advowsons, nominations, and all other hereditaments and possessions, of what kind, nature, or quality soever they be, or by whatsoever

name or names they or any of them be named, known, or reputed, shall stand and be good, effectual, and available in the law of this realm, to all respects, purposes, constructions, and intents, against his majesty, his heirs and successors, without any other licence, dispensation, or tolerance of the king's highness, his heirs and successors, or of any other person or persons whatsoever they be, for any thing or things contained, or hereafter to be contained, in any such letters patent, indentures, or other writings; any cause, consideration, or thing material to the contrary in any wise notwithstanding: 1539.

A saving of the right of others in the lands assured by the king.

Saving to all and singular persons, bodies politic and corporate, their heirs and successors, and the heirs and successors of every of them (other than his highness, his heirs and successors, and the said governors and governesses, and their successors, donors, founders, and patrons aforenamed, and their heirs and successors, and all other persons claiming in their rights or to their use, or in the right or to the use of any of them) all such right, title, claim, interest, possession, reversion, remainder, offices, annuities, rents, charges, and commons, which they or any of them have, ought or might have had, in or to any of the said honours, castles, manors, monasteries, abbacies, priories, lands, tenements, and other hereditaments, in the said letters patent made, or hereafter to be made, comprised at any time before the making of the said or such letters patent; this Act or anything therein contained to the contrary notwithstanding.

Recital that the religious houses have possessed parsonages appropriated, and other

And where divers and sundry abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, have had, possessed, and enjoyed divers and sundry parsonages appropriated, tithes, pensions, and portions, and also were

1539. properties tithe free.

acquitted and discharged of and for the payment or payments of tithes, to be paid out or for their said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, manors, messuages, lands, tenements, and hereditaments: be it therefore enacted by the authority abovesaid,

The king and his grantees of such monastic property shall enjoy the same tithe free.

that as well the king our sovereign lord, his heirs and successors, as all and every such person and persons, their heirs and assigns, which have, or hereafter shall have, any monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other ecclesiastical houses or places, sites, circuits, precincts of the same, or of any of them, or any manors, messuages, parsonages appropriate, tithes, pensions, portions, or other hereditaments, whatsoever they be, which belonged or appertained, or which now belong or appertain unto the said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious and ecclesiastical houses or places, or unto any of them, shall have, hold, retain, keep, and enjoy, as well the said parsonages appropriate, tithes, pensions, and portions of the said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, meases, lands, tenements, and other hereditaments, whatsoever they be, and every of them, according to their estates and titles, discharged and acquitted of payment of tithes, as freely, and in as large and ample manner, as the said late abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses, or any of them, had, held, occupied, possessed, used, retained, or enjoyed the same, or any parcel thereof, at the days of their dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming to the king's highness of such monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or eccle-

siastical houses or places, or at the day of the dissolution, suppression, renouncing, relinquishing, giving up, or coming to the king's highness of any of them; this Act or anything therein contained to the contrary notwithstanding. 1539.

Saving to the king's highness, his heirs and successors, all and all manner of rents, services, and other duties, whatsoever they be, as if this Act had never been had nor made. Rents, &c., reserved to the king.

And be it further enacted by authority of this present Parliament, that such of the said late monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, and all churches and chapels to them or any of them belonging, which before the dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming unto the king's highness, were exempted from the visitation or visitations, and all jurisdiction of the ordinary or ordinaries, within whose diocese they were situate or set, shall from henceforth be within the jurisdiction and visitation of the ordinary or ordinaries within whose diocese they or any of them be situate and set, or within the jurisdiction and visitation of such person or persons as by the king's highness shall be limited or appointed; this Act, or any other exemption, liberty, or jurisdiction to the contrary notwithstanding. Monasteries, &c., exempt from visitation and jurisdiction of the ordinary, shall be within such visitation and jurisdiction, or within that specially appointed by the king.

And where before this time it has pleased the king's majesty, at the contemplation and humble petition of the right noble Thomas, Duke of Norfolk, to give his royal assent of licence by his grace's word, without any manner of letters patent, or other writing, to purchase and retain to him and to his heirs for ever, of William Flatbery, late abbot of the monastery of Sibton, in the county of Suffolk, and convent of the same late monastery now being dissolved, all the same monastery, together with all and singular manors, lordships, lands, tenements, woods, waters, commons, courts, leets, advowsons, patronages, parsonages, vicarages, chantries, free chapels, tithes, portions of tithes, A saving for the Duke of Norfolk's title to the monastery of Sibton, and of Lord Cobham's to Cobham College.

1539. pensions, annuities, rents, suits, services, reversions, remainders, and all other things which were the hereditaments or the possessions of the said late monastery, wheresoever they lay or were within the realm of England; and in like wise our said sovereign lord gave like licence by his grace's word, unto the right honourable George, Lord Cobham, to purchase and receive to him and to his heirs for ever, of the late master and brethren of the college or chantry of Cobham, in the county of Kent, now being utterly dissolved, the site of the same college or chantry, and all and singular their hereditaments and possessions, as well temporal as ecclesiastical, wheresoever they lay or were within the realm of England: be it therefore enacted by the authority of this present Parliament, that the Act above written, or anything therein contained, shall not be in any wise prejudicial or hurtful to the said duke and Lord Cobham, or to either of them, or to the heirs or assigns of either of them, but that the same duke and Lord Cobham, and either of them sundrily, and the heirs and assigns of either of them, shall and may have, hold, retain, and enjoy the premises by them sundrily purchased or received, according to the purports and effects of such evidences, writings, and conveyances, as they or any of them sundrily have caused to be devised and made to them, or to their uses, for the same:

Saving of other men's rights in the said monastery and college.

Saving alway, and reserving to all and singular persons and bodies politic, and to their heirs and successors (other than the said late abbot and convent and their successors, and the said late master and brethren and their successors, and to the founders of the same monastery, or of the said college or chantry, and the heirs of either of them, and all donors, grantors, or augmentors of them or either of them, and the heirs and assigns of either of them), all such rights, titles, possessions, rents, services, fees, offices, annuities, corrodies, liveries, leases, and all other their such

interests, profits, and commodities, as they or any of them had, should, or ought to have, of, to, or in any of the premises sundrily purchased or received by the said late (*sic*) duke or Lord Cobham, if this present Act had never been had or made; anything in the same Act to the contrary being in any wise notwithstanding. 1539

LXV.

THE SIX ARTICLES ACT, 1539.

31 Henry VIII, cap. 14.

This Act, introduced by the Duke of Norfolk, was passed in June, 1539. 1539.

[Transcr. Statutes of the Realm, iii. 739.]

Where the king's most excellent majesty is, by God's law, supreme head immediately under Him of this whole Church and congregation of England, intending the conservation of the same Church and congregation in a true, sincere, and uniform doctrine of Christ's religion, calling also to his blessed and most gracious remembrance as well the great and quiet assurance, prosperous increase, and other innumerable commodities, which have ever ensued, come, and followed, of concord, agreement, and unity in opinions, as also the manifold perils, dangers, and inconveniences which have heretofore, in many places and regions, grown, sprung, and arisen, of the diversities of minds and opinions, especially of matters of Christian religion, and therefore desiring that such a unity might and should be charitably established in all things touching and concerning the same, as the same, so being established, might chiefly be to the honour of Almighty God, the very Author and Fountain of all true unity and sincere concord, and consequently redound to the

Recital of the king's supremacy.

Evils of diversity of opinions.

1539. commonwealth of this his highness's most noble realm, and of all his loving subjects, and other residents and inhabitants of or in the same; has therefore caused and commanded this his most High Court of Parliament, for sundry and many urgent causes and considerations, to be at this time summoned, and also a synod and Convocation of all the archbishops, bishops, and other learned men of the clergy of this his realm, to be in like manner assembled.

The king, to promote unity, summoned Parliament and Convocation.

Matters there discussed.

And forasmuch as in the said Parliament, synod, and Convocation, there were certain Articles, matters, and questions proponed and set forth touching Christian religion, that is to say:

Holy Communion.

First, whether in the most blessed Sacrament of the altar remaineth, after the consecration, the substance of bread and wine, or no.

Secondly, whether it be necessary by God's law that all men should be communicate with both kinds, or no.

Marriage of priests.

Thirdly, whether priests, that is to say, men dedicate to God by priesthood, may, by the law of God, marry after, or no.

Vows.

Fourthly, whether vow of chastity or widowhood, made to God advisedly by man or woman, be, by the law of God, to be observed, or no.

Private masses.

Fifthly, whether private masses stand with the law of God, and be to be used and continued in the Church and congregation of England, as things whereby good Christian people may and do receive both godly consolation and wholesome benefits, or no.

Confession.

Sixthly, whether auricular confession is necessary to be retained, continued, used, and frequented in the Church, or no.

The king's most royal majesty, most prudently pondering and considering, that by occasion of variable and sundry opinions and judgments of the said Articles, great discord and variance has arisen, as well amongst the clergy of this

his realm, as amongst a great number of vulgar people, his loving subjects of the same, and being in a full hope and trust that a full and perfect resolution of the said Articles should make a perfect concord and unity generally amongst all his loving and obedient subjects, of his most excellent goodness, not only commanded that the said Articles should deliberately and advisedly, by his said archbishops, bishops, and other learned men of his clergy, be debated, argued, and reasoned, and their opinions therein to be understood, declared, and known, but also most graciously vouchsafed, in his own princely person, to descend and come into his said High Court of Parliament and council, and there, like a prince of most high prudence and no less learning, opened and declared many things of high learning and great knowledge, touching the said Articles, matters, and questions, for a unity to be had in the same; whereupon, after a great and long, deliberate, and advised disputation and consultation, had and made concerning the said Articles, as well by the consent of the king's highness, as by the assent of the lords spiritual and temporal, and other learned men of his clergy in their Convocation, and by the consent of the Commons in this present Parliament assembled, it was and is finally resolved, accorded, and agreed in manner and form following, that is to say:

1539.

The king present at the discussion of these points.

First, that in the most blessed Sacrament of the altar, by the strength and efficacy of Christ's mighty word (it being spoken by the priest), is present really, under the form of bread and wine, the natural body and blood of our Saviour Jesus Christ, conceived of the Virgin Mary; and that after the consecration there remaineth no substance of bread or wine, nor any other substance, but the substance of Christ, God and man.

Result of deliberations.

Secondly, that communion in both kinds is not necessary *ad salutem*, by the law of God, to all persons; and that it is to be believed, and not doubted of, but that in the

1539. flesh, under the form of bread, is the very blood; and with the blood, under the form of wine, is the very flesh; as well apart, as though they were both together.

Thirdly, that priests after the order of priesthood received, as afore, may not marry, by the law of God.

Fourthly, that vows of chastity or widowhood, by man or woman made to God advisedly, ought to be observed by the law of God; and that it exempts them from other liberties of Christian people, which without that they might enjoy.

Fifthly, that it is meet and necessary that private masses be continued and admitted in this the king's English Church and congregation, as whereby good Christian people, ordering themselves accordingly, do receive both godly and goodly consolations and benefits; and it is agreeable also to God's law.

Sixthly, that auricular confession is expedient and necessary to be retained and continued, used and frequented in the Church of God.

Thanks to the king.

For the which most godly study, pain, and travail of his majesty, and determination and resolution of the premises, his most humble and obedient subjects, the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, not only render and give unto his highness their most high and hearty thanks, and think themselves most bound to pray for the long continuance of his grace's most royal estate, but also being desirous that his most godly enterprise may be well accomplished, and brought to a full end and perfection, and so established that the same might be to the honour of God, and after, to the common quiet, unity, and concord to be had in the whole body of this realm for ever, most humbly beseech his royal majesty, that the resolution and determination above written of the said Articles may be established, and perpetually perfected, by authority of this present Parliament:

1539.

The First Article, as constituting heresy and treason, is to be punished by burning and confiscation of property.

It is therefore ordained and enacted by the king our sovereign lord, the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons within this realm of England, or any other the king's dominions, after the twelfth day of July next coming, by word, writing, imprinting, ciphering, or in any other wise do publish, preach, teach, say, affirm, declare, dispute, argue, or hold any opinion, that in the blessed Sacrament of the altar, under form of bread and wine (after the consecration thereof), there is not present really the natural body and blood of our Saviour Jesu Christ conceived of the Virgin Mary, or that after the said consecration there remaineth any substance of bread or wine, or any other substance, but the substance of Christ, God and man, or after the time abovesaid publish, preach, teach, say, affirm, declare, dispute, argue, or hold opinion that in the flesh, under form of bread, is not the very blood of Christ; or that with the blood, under form of wine, is not the very flesh of Christ, as well apart as though they were both together; or by any of the means abovesaid, or otherwise, preach, teach, declare, or affirm the said Sacrament to be of other substance than is abovesaid; or by any means contemn, deprave, or despise the said blessed Sacrament: that then every such person and persons so offending, their aiders, comforters, counsellors, consenters, and abettors therein, being thereof convicted in form underwritten, by the authority abovesaid, shall be deemed and adjudged heretics. And that every such offence shall be adjudged manifest heresy, and that every such offender and offenders shall therefor have and suffer judgment, execution, pain, and pains of death by way of burning, without any abjuration, clergy, or sanctuary to be therefor permitted, had, allowed, admitted, or suffered; and also shall therefor forfeit and lose to the king's highness, his heirs and successors, all his

1539. or their honours, manors, castles, lands, tenements, rents, reversions, services, possessions, and all other his or their hereditaments, goods and chattels, terms and freeholds, whatsoever they be, which any such offender or offenders shall have at the time of any such offence or offences committed or done, or at any time after, as in cases of high treason.

Public teaching and maintaining upon trial of Articles ii–vi involve a felon's death with forfeiture.

And furthermore be it enacted, by the authority of this present Parliament, that if any person or persons, after the said twelfth day of July, preach in any sermon or collation openly made to the king's people, or teach in any common school or to other congregation of people, or being called before such judges and according to such form of the law as hereafter shall be declared, do obstinately affirm, uphold, maintain, or defend that the communion of the said blessed Sacrament in both kinds, that is to say, in form of bread and also of wine, is necessary for the health of man's soul, to be given or ministered, or ought or should be given or ministered to any person in both kinds, or that it is necessary so to be received or taken by any person other than by priests being at Mass and consecrating the same; or that any man, after the order of priesthood received as aforesaid, may marry or may contract matrimony, or that any man or woman which advisedly has vowed or professed, or shall vow or profess, chastity or widowhood, may marry or may contract matrimony, or that private masses be not lawful or not laudable, or should not be celebrated, had, nor used in this realm, nor be not agreeable to the laws of God; or that auricular confession is not expedient and necessary to be retained and continued, used and frequented, in the Church of God; or if any priest, after the said twelfth day of July, or any other man or woman which advisedly has vowed, or after the said day advisedly do vow chastity or widowhood, do actually marry or contract matrimony with any person: that then all and every person and persons so

preaching, teaching, obstinately affirming, upholding, maintaining, or defending, or making marriage or contract of matrimony, as is above specified, be and shall be, by authority above written, deemed and adjudged a felon and felons; and that every offender in the same, being therefor duly convicted or attainted by the laws underwritten, shall therefor suffer pains of death, as in cases of felony, without any benefit of clergy or privilege of church or sanctuary to him or her to be allowed in that behalf, and shall forfeit all his or her lands and goods, as in cases of felony, and that it shall be lawful to the patron or patrons of any manner of benefice which any such offender at the time of his said conviction or attainder had, to present one other incumbent thereunto, as if the same person so convicted or attainted had been bodily deceased. 1539.

Also be it enacted by the authority aforesaid, that if any person or persons, after the said twelfth day of July, by word, writing, printing, ciphering, or otherwise than is above rehearsed, publish, declare, or hold opinion that the said communion of the blessed Sacrament in both kinds aforesaid is necessary for the health of man's soul to be given or ministered in both kinds, and so ought or should be given and ministered to any person, or ought or should be so in both kinds received or taken by any person other than by priests being at Mass and consecrating the same as is aforesaid, or that any man after the order of priesthood received as is aforesaid, may marry or may make contract of matrimony, or that any man or woman which advisedly has made or shall make a vow to God of chastity or widowhood, may marry or may make contract of matrimony, or that private masses be not lawful or not laudable, or should not be celebrated, had, nor used, nor be agreeable to the laws of God, or that auricular confession is not expedient and necessary to be retained and continued, used and frequented, in the Church of God; every person, being for

Any other profession of Articles ii-vi involves forfeiture for the first offence, and the penalty of felony for the second.

1539. every such offence duly convicted or attainted by the laws underwritten, shall forfeit and lose to the king, our sovereign lord, all his goods and chattels for ever, and also the profits of all his lands, tenements, annuities, fees, and offices during his life, and all his benefices and spiritual promotions shall be utterly void, and also shall suffer imprisonment of his body at the will and pleasure of our said sovereign lord the king; and if any such person or persons, being once convicted of any the offences mentioned in this article as is abovesaid, do afterwards eftsoons offend in any of the same, and be thereof accused, indicted, or presented and convicted again by the authority of the laws underwritten, that then every such person and persons so being twice convicted and attainted of the said offences, or of any of them, shall be adjudged a felon and felons, and shall suffer judgment, execution, and pains of death, loss and forfeiture of lands and goods, as in cases of felony, without any privilege of clergy or sanctuary to be in any wise permitted, admitted, or allowed in that behalf.

Clerical marriage to be dissolved.

Be it further enacted by the authority abovesaid, that if any person, which is or has been a priest, before this present Parliament or during the time of session of the same has married and has made any contract of matrimony with any woman, or that any man or woman, which before the making of this Act advisedly has vowed chastity or widowhood, before this present Parliament or during the session of the same has married or contracted matrimony with any person; that then every such marriage and contract of matrimony shall be utterly void and of none effect, and that the ordinaries, within whose diocese or jurisdiction the person or persons so married or contracted is or be resident or abiding, shall from time to time make separation and divorces of the said marriages and contracts.

Treatment of further

And further it is enacted by the authority abovesaid, that if any man, which is or has been priest as is aforesaid, at any

time from and after the said twelfth day of July next coming, do carnally keep or use any woman to whom he is or has been married, or with whom he has contracted matrimony, or openly be conversant [or] keep company and familiarity with any such woman to the evil example of other persons, every such carnal use, copulation, open conversation, keeping of company, and familiarity be and shall be deemed and adjudged felony as well against the man as the woman, and that every such person so offending shall be inquired of, tried, punished, suffer loss, and forfeit all and every thing and things, as other felons made and declared by this Act, and as in case of felony as is aforesaid. 1539. offence in this Article.

And be it further enacted by authority abovesaid, that if any person or persons at any time hereafter contemn or contemptuously refuse, deny, or abstain to be confessed at the time commonly accustomed within this realm and Church of England, or contemn or contemptuously refuse, deny, or abstain to receive the holy and blessed Sacrament abovesaid at the time commonly used and accustomed for the same, that then every such offender, being thereof duly convicted or attainted by the laws underwritten, shall suffer such imprisonment and make such fine and ransom to the king our sovereign lord and his heirs, as by his highness or by his or their council, shall be ordered and adjudged in that behalf. And if any such offender or offenders, at any time or times after the said conviction or attainder so had, do eftsoons contemn or contemptuously refuse, deny, or abstain to be confessed or to be communicate in manner and form above written, and be thereof duly convicted or attainted by the laws underwritten, that then every such offence shall be deemed and adjudged felony, and the offender or offenders therein shall suffer pains of death, and lose and forfeit all his and their goods, lands, and tenements as in cases of felony. Refusing to confess and communicate involves penalty of felony.

And for full and effectual execution of the premises

1539. Special periodical commissions of inquiry to be instituted.

before devised, ordained, and enacted by this Act, be it further enacted by the authority of this present Parliament, that immediately after the said twelfth day of July next coming sundry commissions shall be made from time to time into every shire of this realm and Wales, and in and to such other places within the king's dominions as shall please his majesty to be directed to the archbishop or bishop of the diocese, and to his chancellor or commissary, and to such other persons as shall be named by his highness, or by such other as his majesty at his pleasure shall appoint to name the same, which archbishop or bishop, his chancellor or commissary, and other persons so to be named, or three of them at the least, whereof the archbishop or bishop or his chancellor or commissary to be one, shall hold and keep their sessions within the limits of their commission, four several times of the year, at the least, or oftener if they shall think it expedient by their discretions, and shall have power and authority by virtue of this Act and their said commission, as well to take information and accusation by the oaths and depositions of two able and lawful persons at the least, as to inquire by the oaths of twelve men of all and singular the heresies, felonies, contempts, and other offences above written, committed, done, or perpetrated within the limits of their commission. And that every such accusation and information containing the matter, names, surnames, and dwelling-places of the offenders, and the day, year, place, and county when and wherein their offences were committed, shall be of as good force and effect in the law as if the matter therein contained had been presented by the verdict of twelve men.

General episcopal and magisterial inquiry also authorized.

And nevertheless it is further enacted, that every of the said archbishops and bishops, and every of their chancellors, commissaries, archdeacons, and other ordinaries, having any peculiar ecclesiastical jurisdiction within this realm, or in Wales, or in any other the king's dominions, shall have full

power and authority, by virtue of this Act, as well to inquire in their visitations and senys [synods?] as, there and elsewhere within their jurisdictions, at any other time or place, to take accusations and informations, as is aforesaid, of the heresies, felonies, contempts, and offences above-mentioned, done, committed, or perpetrated within the limits of their jurisdiction and authorities, and that every such accusation, information, and presentment so taken or had as is aforesaid shall be of as good force and effect as if the matter therein contained had been presented before the justices of peace in their sessions. And also that justices of peace in their sessions, and every steward, under-steward, and deputy of [the] steward of any leet or lawday, in their leet or lawday, shall have like power and authority, by virtue of this Act, to inquire by the oaths of twelve lawful men of all and singular the heresies, felonies, and contempts, and other offences above written, done, perpetrated, or committed within the limits of their commissions and authorities. 1539.

Extension of the inquiry to witnesses.

And it is also enacted by the authority aforesaid, that every such person or persons afore whom any presentment, information, or accusation shall be made and taken as is aforesaid, shall examine the accusers what other witnesses were by and present at the time of doing and committing of the offence whereof the information, accusation, or presentment shall be made, and how many others than the accusers have knowledge thereof, and shall have power and authority to bind by recognisance to be taken afore them, as well the said accusers as all such other persons whom the same accusers shall declare to have knowledge of the offences by them presented or informed, every of them, in five pounds to the king our sovereign lord, to appear before the commissioners, afore whom the offender or offenders shall be tried, at the day of the trial of such offenders. And that all and singular indictments, presentments, accusations, informa-

1539. tions, and recognisances taken and had as is aforesaid within twenty days next after the taking of the same, shall be certified in due form, by writing upon parchment, by the taker or takers thereof, under his or their seals, unto any one of the said commissioners to be appointed as is aforesaid, within the limits of whose commission the heresies, felonies, contempts, and offences whereof any such presentment, indictment, information, or accusation shall be taken or had, as is above written, shall be committed, done, or perpetrated. And if any person or persons which hereafter shall happen to take any such accusation, information, presentment, or recognisances as is abovesaid, do make default of the certificate thereof, contrary to the form above rehearsed, that then every person and persons so offending shall forfeit to our sovereign lord the king for every such default ten pounds.

Summary powers of the commissioners as in cases of felony.

And it is further enacted by the authority abovesaid, that the said commissioners, or three of them at the least, as is aforesaid, by virtue of this Act and their commission shall have full power and authority to make like process against every person and persons indicted, presented, or accused, in form as is above remembered, as is used and accustomed in case of felony, and that, as well within the limits of their commission as into all other shires and places of the realm, Wales, and other the king's dominions, as well within liberties as without, and the same process to be good and effectual in the law as in cases of felony; and, upon the appearance of any of the offenders, shall have full power and authority, by virtue of this Act and the said commission, to hear and determine the foresaid heresies, felonies, contempts, and other offences according to the laws of this realm and the effects of this Act.

Offenders to be apprehended,

And it is also enacted by the authority abovesaid, that every of the said commissioners, upon any such accusation, presentment, or information, shall endeavour himself effect-

ually, without affection, dread, or corruption, to apprehend and take the offenders; and after the apprehension of any such offender or offenders shall have full power and authority to commit them to ward, and that the said commissioners, or two of them at the least, shall have full power and authority to let any person or persons, so accused or presented, upon sufficient sureties by their discretions, to bail for their appearance, to be tried according to the tenor, form, and effect of this Act. 1539. bail being allowed.

And further it is enacted by authority abovesaid, that if any person or persons which hereafter shall be named and assigned to be commissioner or commissioners, as is abovesaid, be accused, indicted, or presented of or for any the offences above written, that then all and every such commissioner or commissioners, so accused, indicted, and presented, shall be examined, put to answer, and tried of and upon any such offence according to the tenor and effect of this Act, before such other person or persons as it shall please the king's highness to name, assign, and appoint by his grace's commission to hear and determine the same. Commissioners themselves offending to be tried.

And it is further enacted by authority abovesaid, that no person or persons which at any time hereafter shall be accused, indicted, or presented, as is abovesaid, shall be admitted to the challenge of any person or persons, which shall be empanelled for the trial of his or their offence, for any matter or cause other than for malice or enmity, which challenge shall forthwith be tried in like manner as other challenges be used to be tried in cases of felony. Right of challenge regulated.

And it is further enacted by the authority abovesaid, that all foreign pleas triable by the country, which at any time hereafter shall be pleaded by any person or persons hereafter to be arraigned or put to answer upon any accusation, indictment, or presentment, of or for any the offences above specified, or of or for any of them, shall be tried before the Regulation as to foreign pleas.

1539. same commissioners afore whom such person or persons shall be arraigned or put to answer, and by the jurors that shall try the said offence or offences, without any further respite or delay.

All local authorities to assist the commissioners.

And it is further enacted by the authority abovesaid, that all mayors, sheriffs, stewards, bailiffs of liberties, gaolers, and other officers and ministers, of what name, degree, or condition soever they be, and every of them, shall from time to time truly and diligently receive and serve all and all manner the process, precepts, and commandments to them or any of them, by the said commissioners or any of them, to be made, given, or directed, touching or concerning the premises or any parcel thereof, and shall also, from time to time, be obedient and attendant unto the said commissioners for the time being for the due execution of this present Act, or of anything therein contained.

Oath to be taken by commissioners under penalty.

And it is also enacted that every person which shall be named to be commissioner in the said commission, after that he has knowledge thereof, shall effectually put his diligence and attendance in and about the execution of the said commission, and before he shall take upon him the execution of the same commission, shall take a corporal oath before the lord chancellor of England for the time being, or before him or them to whom the said lord chancellor shall direct the king's writ of *Dedimus potestatem* to take the same, the tenor of which oath hereafter ensues. 'Ye shall swear that ye, to your cunning, wit, and power, shall truly and indifferently execute the authority to you given by the king's commission, made for correction of heretics and other offenders mentioned in the same commission, without any favour, affection, corruption, dread, or malice to be borne to any person or persons, as God you help and all saints.' And in case that any of the said persons named to be commissioners refuse to take the said oath, or willingly absent or eloigne himself from the taking of the

said oath, then every such person so offending, and the same offence estreated and certified into the king's exchequer by the said lord chancellor, or by him or them to whom any such writ of *Dedimus potestatem*, as is aforesaid, shall be directed, shall forfeit and lose to our said sovereign lord the king, for every time so offending, five marks of lawful money. 1539.

Seizure and destruction of books containing contrary doctrine.

And it is also enacted by the authority abovesaid, that the said commissioners and every of them shall, from time to time, have full power and authority, by virtue of this Act, to take into his or their keeping [or] possession all and all manner of books which be and have been, or hereafter shall be, set forth, read, or declared within this realm, or other the king's dominions, wherein is or be contained or comprised any clause, article, matter, or sentence repugnant or contrary to the tenor, form, or effect of this present Act, or any of the articles contained in the same. And the said commissioners, or three of them at the least, to burn or otherwise destroy the said books, or any part of them, as unto the said commissioners, or unto three of them at the least, shall be thought expedient by their discretions.

This Act to be periodically read in churches.

And it is also enacted by the authority abovesaid, that every parson, vicar, curate, or parish priest of every parish church within this realm, or other the king's dominions, or his or their deputy, upon the Sunday next after the first day of September next ensuing, and so from thenceforth once in every quarter of the year at the least, shall openly, plainly, and distinctly read this present Act in the parish church where he is parson, vicar, curate, parish priest, or deputy, unto his or their parishioners then assembled together to hear divine service; and that every such parson, vicar, curate, or parish priest making default of reading this Act, contrary to the form aforesaid, shall forfeit unto our said sovereign lord, his heirs and successors, for every such default, forty shillings sterling.

1539. Saving to all and singular person and persons, bodies politic and corporate, their heirs and successors, and to the heirs and successors of every of them, other than all and singular such person and persons that shall be hereafter convicted or attainted of or for any the offences or contempts above specified, their heirs and successors, and the heirs and successors of every of them, all such right, title, claim, interest, entry, possession, rents, reversions, fees, annuities, commons, offices, profits, and demands whatsoever, as they or any of them have, or then at the time of the said conviction or attainder had, shall have, of, in, or to any honours, castles, lordships, manors, lands, tenements, liberties, franchises, advowsons, and other hereditaments which any such person or persons, being so convicted or attainted as is aforesaid, had, or were entitled to have, at the time of their offence or offences committed, or at any time after, and that in as ample manner, form, and condition, to all intents, constructions, and purposes, as if this Act had never been had nor made; anything contained in this Act to the contrary in any wise notwithstanding. Provided always that the lords shall not have nor claim any escheats of any offender or offenders that shall be judged to be burned by authority of this Act.

The penalties in all cases to be individual only.

Be it also further enacted by the authority aforesaid, not giving advantage or detriment to any article afore rehearsed, that if any man which is or has been priest, or hereafter shall be, at any time after the said twelfth day of July, do carnally use and accustom any woman, or keep her as his concubine, as by paying for her board, maintaining her with money, array, or any other gifts or means to the evil example of other persons; that then every such offender, being thereof duly convicted or attainted by the laws mentioned in this Act, shall forfeit and lose all his goods and chattels, benefices, prebends, and other spiritual promotions and dignities, and also shall have and suffer imprisonment of his body at the king's will and pleasure; and that every of the said

Penalty for marriage of clergy after date.

benefices, prebends, and other promotions and dignities shall be to all intents and purposes utterly void, as if the said offender had resigned or permuted. And if any such offender or offenders, at any time after the said conviction or attainder, eftsoons commit, do, or perpetrate the said offences or any of them next afore rehearsed, and be thereof duly convicted or attainted by the laws aforesaid, that then all and every such offence and offences shall be deemed and adjudged felony, and the offender or offenders therein shall suffer pains of death, and lose and forfeit all his and their goods, lands, and tenements, as in cases of felony, without having any benefit of clergy or sanctuary. 1539.

Punishment of their women.

And be it further enacted by the authority aforesaid, that those women with whom all or singular of the foresaid priests shall in any of the foresaid ways have to do with, or carnally know, as is aforesaid, shall have like punishment as the priests.

Limitation of the obligation of vows.

And because disputations and doubts might perhaps rise hereafter upon these words in this Act, that is to say: advisedly made to God, be it therefore provided and enacted by authority aforesaid that these words in the Act, that is to say: advisedly made to God for vows of chastity or widowhood, shall be only taken, expounded, and interpreted to bind such person or persons and none other (saving priests), to and by the same which at the time of any of their so vowing, being thereto admitted, were or shall be of the age of twenty-one years or above, and then did or do consent, submit themselves, or condescend to the same, and continue or continued in observation of it any while after, unless any such person or persons do or can duly prove any unlawful coercion or compulsion done to them, or any of them, for making of any such vow.

LXVI.

DEED OF SURRENDER OF WESTMINSTER ABBEY, A. D. 1540.

1540. THIS document is inserted here in order to show the terms of an ordinary deed of surrender.

[Tr. from P. R. O. Augmentation Office, Deed of Surrender 260.]

Unconditional surrender to the king of the monastery itself

To all the faithful in Christ to whom the present charter shall come, William, by Divine permission abbot of the monastery of St. Peter, Westminster, in the county of Middlesex, and the convent of the same place, greeting: know ye that we, the aforenamed abbot and convent, by our unanimous assent and consent and free will, have given, granted, and by this our present charter confirmed to our most excellent prince and lord, the lord Henry VIII, by the grace of God king of England and France, defender of the faith, lord of Ireland, and supreme head, on earth, of the English Church, all our monastery aforesaid, and the church, cloister, site, ambit, circuit, and precinct of the same monastery, as well as all and singular our lordships, manors, hundreds, granges, messuages, lands, tenements, meadows, marshes, feedings, pastures, woods, parks, warrens, commons, wastes, furze and heath lands, waters, fisheries, rents, reversions, services, annuities, fee farms, churches, chapels, rectories, vicarages, advowsons, donations, presentations, rights of patronage of churches, chapels, chantries, and hospitals, pensions, portions, tithes, oblations, knights' fees, escheats, reliefs, courts leet, views of frankpledge, fairs, markets, and other rights, jurisdictions, franchises, liberties, privileges, possessions, and hereditaments whatsoever, as

and all possessions and rights whatsoever

well spiritual as temporal, of whatsoever kind, nature, or sort they be, or by whatsoever names they be called, known, or recognized, situate, lying, or being, as well in the counties of Middlesex, Hertford, Essex, Cambridge, Lincoln, Norfolk, Suffolk, Berks, Oxford, Bucks, Bedford, Kent, Sussex, Surrey, Somerset, Dorset, Southampton, Wilts, and Gloucester, and in the city of London, as elsewhere wheresoever within the kingdom of England and in Wales, and the marches of the same. And also all and all manner of ornaments of the church, jewels, goods, chattels, and debts whatsoever, which in right or by reason, or pretext of our said monastery, or in any other manner we have or ought to have, hold, and enjoy, all the aforesaid monastery, and all and singular the aforesaid lordships, manors, lands, rents, revenues, services, rectories, vicarages, churches, chapels, goods, chattels, and other all and singular the premises above specified, with all their appurtenances, to the aforenamed our lord the king, his heirs and successors for ever. And we, indeed, the aforesaid abbot and convent, and our successors, will warrant and by the presents defend all the aforesaid monastery, and all the aforesaid lordships, manors, lands, tenements, and other all and singular the premises above specified with their appurtenances, to our aforesaid lord the king, his heirs and successors, against all men for ever. In witness whereof we have set our common seal to this our present charter. Done in our Chapter House the sixteenth day of January in the thirty-first year of the reign of the said now lord, King Henry VIII.

1540.

in nineteen specified counties and in London,

with absolute warranty.

Dated Jan. 16, 1540.

L.S.

The signatures of the abbot, William Boston, the prior, Dionysius Dalyons, and twenty-three monks follow.

LXVII.

ACT AGAINST REVILERS, AND FOR RECEIVING IN BOTH KINDS, A. D. 1547.

1 EDWARD VI, CAP. 1.

1547. IN November, 1547, Convocation had agreed upon communion under both kinds; the statute which followed made this act of Convocation the law of the land. It was supplemented by a proclamation issued on the 27th of the following December, dealing with the question of the Presence in the Eucharist.

[Transcr. Statutes of the Realm, iv. 2.]

The king desires unity in religion and obedience to God and himself, obtained more by clemency than force.

The king's most excellent majesty, minding the governance and order of his most loving subjects to be in most perfect unity and concord in all things, and in especial in the true faith and religion of God, and wishing the same to be brought to pass with all clemency and mercy on his highness's part towards them, as his most princely serenity and majesty has already declared by evident proofs, to the intent that his most loving subjects, provoked by clemency and goodness of their prince and king, shall study, rather for love than for fear, to do their duties, first to Almighty God, and then to his highness and the commonwealth, nourishing concord and love amongst themselves; yet considers and perceives that in a multitude all be not on that sort, that reason and the knowledge of their duties can move them from offence, but many which had need have some bridle of fear, and that the same be men most contentious and arrogant for the most part, or else most blind and ignorant: by the means of which sort of men, many things well and godly instituted, and to the edification of many, be perverted and abused, and turned to their own and others' great loss and hindrance, and sometime to extreme destruc-

Yet, in a multitude, all cannot be kept from offence, but by fear.

By their means, mischief arises,

tion, the which does appear in nothing more or sooner than in matters of religion, and in the great and high mysteries thereof, as in the most comfortable Sacrament of the body and blood of our Saviour Jesus Christ, commonly called the Sacrament of the altar, and, in Scripture, the supper and table of the Lord, the communion and partaking of the body and blood of Christ: 1547. especially in religion and the Sacrament of the altar.

Which Sacrament was instituted of no less author than of our Saviour, both God and man, when, at His last supper, amongst His Apostles, He did take the bread into His holy hands, and did say: 'Take you and eat, this is My body which is given and broken for you.' And taking up the chalice or cup, did give thanks, and say: 'This is My blood of the New Testament, which is shed for you, and for many, for the remission of sins,' that whensoever we should do the same, we should do it in the remembrance of Him, and to declare and set forth His death and most glorious passion, until His coming. Of the which bread whosoever eateth, or of the which cup whosoever drinketh, unworthily, eateth and drinketh condemnation and judgment to himself, making no difference of the Lord's body; the institution of which Sacrament being ordained by Christ, as is beforesaid, and the said words spoken of it here before rehearsed, being of eternal, infallible, and undoubted truth: The institution of the Sacrament.

Yet the said Sacrament (all this notwithstanding) has been of late marvellously abused by such manner of men before rehearsed, who of wickedness, or else of ignorance and want of learning, for certain abuses heretofore committed of some, in misusing thereof, having condemned in their hearts and speech the whole thing, and contemptuously depraved, despised, or reviled the same most holy and blessed Sacrament, and not only disputed and reasoned unreverently and ungodly of that most high mystery, but also, in their sermons, preachings, readings, lectures, communications, arguments, talks, rhymes, songs, plays, or jests, Reviled by certain persons. The causes of the abuse of the Blessed Sacrament.

1547. name or call it by such vile and unseemly words, as Christian ears do abhor to hear rehearsed.

Penalty for such reviling.

For reformation whereof, be it enacted by the king's highness, with the assent of the Lords spiritual and temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, that whatsoever person or persons, from and after the first day of May next coming, shall deprave, despise, or contemn the said most blessed Sacrament, in contempt thereof, by any contemptuous words, or by any words of depraving, despising, or reviling, or what person or persons shall advisedly, in any other wise, contemn, despise, or revile the said most blessed Sacrament, contrary to the effects and declaration abovesaid; that then he or they shall suffer imprisonment of his or their bodies, and make fine and ransom at the king's will and pleasure.

Inquiry to be made for revilers.

And for full and effectual execution of the premises before devised, ordained, and enacted by this Act, be it furthermore enacted by the authority of this present Parliament, that immediately after the first day of May next coming, the justices of peace, or three of them at the least, whereof one of them to be of the *quorum*, in every shire of this realm, and Wales, and all other places within the king's dominions shall have full power and authority by virtue of this Act, as well to take information and accusation by the oaths and depositions of two able, honest, and lawful persons, at the least, and after such accusation or information so had, to inquire by the oaths of twelve men, in every of their four quarter sessions yearly to be holden, of all and singular such accusations or informations to be had or made of any of the offences abovesaid, to be committed or done after the said first day of May, within the limits of their commission; and that upon every such accusation and information, the offender and offenders shall be inquired of, and indicted before the said justices of peace, or three of them at the least, as is aforesaid, of the said contempts and offences, by the verdict

of twelve honest and indifferent men, if the matter of the said accusation and information shall seem to the said jury good and true. 1547.

Accusers, or other witnesses, to be bound to appear at the trial of offenders.

And it is also further enacted by the authority aforesaid, that the said justices of peace, or three of them at the least, as is aforesaid, before whom any such presentment, information, and accusation shall be made or taken as is aforesaid, shall examine the accusers, what other witnesses were by and present at the time of doing and committing of the offence, whereof the information, accusation, and presentment shall be made, and how many others than the accusers have knowledge thereof, and shall have full power and authority by their discretions to bind, by recognizance to be taken before them, as well the said accusers, as all such other persons whom the said accusers shall declare to have knowledge of the offences by them presented and informed, every of them in five pounds to the king, to appear before the said justices of peace, before whom the offender or offenders shall be tried, at the day of the trial and deliverance of such offenders.

What process shall be awarded against persons indicted.

And it is further enacted by the authority aforesaid, that the said justices of peace, or three of them at the least, as is abovesaid, by virtue of this Act, shall have full power and authority to make process against every person and persons so indicted, by two *capias* and an exigent, and by *capias utlagatum*, as well within the limits of their commission, as into all other shires and places of this realm, Wales and other the king's dominions, as well within liberties as without, and the same process to be good and effectual in the law to all intents, constructions, and purposes, and upon the appearance of any of the offenders, shall have full power and authority by virtue of this Act, and the commission of peace, to determine the contempts and offences aforesaid according to the laws of this realm and the effects of this Act: and that the said justices of peace, or three of them

Justices of peace may determine offences.

1547. Bailment of persons indicted.

at the least, as is abovesaid, shall have full power and authority to let any such person or persons, so indicted, upon sufficient sureties, by their discretions, to bail for their appearance to be tried, according to the tenor, form, and effect of this Act.

The bishop of the diocese where the offence is committed, or his deputy, to be present at the trial.

Provided always, and be it enacted, that the said justices of peace, or three of them at the least, at their quarter sessions, where any offender or offenders shall be or stand indicted of any of the contempts or offences abovesaid, shall direct and award one writ, in the king's name, to the bishop of the diocese where the said offence or offences be supposed to be committed or done, willing and requiring the said bishop to be in his own person, or by his chancellor, or other his sufficient deputy learned, at the quarter sessions in the said county to be holden, when and where the said offender shall be arraigned and tried, appointing to them in the said writ the day and place of the said arraignment; which writ shall be of this form: '*Rex &c. Episcopo L. salutem. Præcipimus tibi quod tu, Cancellarius tuus, vel alius deputatus tuus sufficienter eruditus, sitis cum justiciariis nostris ad pacem in comitatu nostro B. conservandam assignatis apud D. tali die, ad sessionem nostram, ad tunc et ibidem tenendam ad dandum consilium et advisamentum eisdem justiciariis nostris ad pacem, super arranamentum et deliberationem offendentium contra formam Statuti concernentis sacrosanctum sacramentum altaris.*'

Form of writ requiring such appearance.

No indictment to be made after three months from date of offence.

Provided always, and be it enacted by the authority aforesaid, that no person or persons shall be indicted of any of the contempts or offences abovesaid, but only of such contempts or offences as shall be done or perpetrated within three months next after the said offence or offences so committed or done.

Persons indicted may call witnesses

And be it further enacted by the authority aforesaid, that in all trials, for any such offenders, before the said justices, as is aforesaid, the person or persons being complained on

and arraigned, shall be admitted to purge or try his or their innocency, by as many or more witnesses in number, and of as good honesty and credence, as the witnesses be which deposed against him or them or any of them. 1547. on their behalf.

And forasmuch as it is more agreeable, both to the first institution of the said Sacrament of the most precious body and blood of our Saviour Jesus Christ, and also more conformable to the common use and practice both of the Apostles and of the primitive Church, by the space of 500 years and more after Christ's ascension, that the said blessed Sacrament should be ministered to all Christian people under both the kinds of bread and wine, than under the form of bread only, and also it is more agreeable to the first institution of Christ, and to the usage of the Apostles and the primitive Church, that the people being present should receive the same with the priest, than that the priest should receive it alone; therefore be it enacted by our said sovereign lord the king, with the consent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that the said most blessed Sacrament be hereafter commonly delivered and ministered unto the people within the Church of England and Ireland, and other the king's dominions, under both the kinds, that is to say, of bread and wine, except necessity otherwise require: The Blessed Sacrament to be administered in both kinds, except where necessity otherwise requires.

And also that the priest which shall minister the same, shall, at the least one day before, exhort all persons which shall be present likewise to resort and prepare themselves to receive the same. The priest to exhort the people to receive prepared.

And when the day prefixed comes, after a godly exhortation by the minister made (wherein shall be further expressed the benefit and comfort promised to them which worthily receive the said holy Sacrament, and [the] danger and indignation of God threatened to them which shall presume to receive the same unworthily, to the end that every man may try and examine his own conscience before he shall receive The Sacrament to be denied to no person that shall devoutly and humbly desire it.

1547. the same), the said minister shall not, without lawful cause, deny the same to any person that will devoutly and humbly desire it; any law, statute, ordinance, or custom contrary thereunto in any wise notwithstanding; not condemning hereby the usage of any Church out of the king's majesty's dominions.

The usage of other Churches not condemned.

LXVIII.

ACT DISSOLVING THE CHANTRIES, A.D. 1547.

1 EDWARD VI, CAP. 14.

1547. LEGISLATION with regard to chantries began in the year 1545; the war with France calling for monetary supplies, an Act (37 Hen. VIII, cap. 4) was passed reciting that the possessions of chantries were generally misapplied, and vesting them in the king for the term of his life. Commissioners were appointed to inquire into the possessions of chantries, but it seems doubtful if any were actually suppressed till 1547, when the following Act was passed, the previous Act having expired. But cf. Dixon, ii. 381.

[Transcr. Statutes of the Realm, iv. 24.]

Chantries, &c., tend to superstition.

The king's most loving subjects, the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, considering that a great part of superstition and errors in Christian religion has been brought into the minds and estimations of men, by reason of the ignorance of their very true and perfect salvation through the death of Jesus Christ, and by devising and phantasing vain opinions of purgatory and masses satisfactory, to be done for them which be departed, the which doctrine and vain opinion by nothing more is maintained and upholden, than by the abuse of trentals, chantries, and other provisions made for the continuance of the said blindness and ignorance; and further considering and understanding, that the alteration,

change, and amendment of the same, and converting to good and godly uses, as in erecting of grammar schools to the education of youth in virtue and godliness, the further augmenting of the Universities, and better provision for the poor and needy, cannot, in this present Parliament, be provided and conveniently done, nor cannot nor ought to have any other manner person to be committed, than to the king's highness, whose majesty, with and by the advice of his highness's most prudent council, can and will most wisely and beneficially, both for the honour of God and the weal of this his majesty's realm, order, alter, convert, and dispose the same. 1547.

Their possessions should be given to the king to be devoted to certain purposes.

And calling further to their remembrance, that in the Parliament holden at Westminster the seven-and-thirtieth year of the reign of our late sovereign lord King Henry VIII, father to our most dread and natural sovereign lord the king that now is, it was ordained, enacted, and established amongst other things, that all and singular colleges, free chapels, chantries, hospitals, fraternities, brotherhoods, guilds, and other promotions mentioned in the said former Act, had or made to have continuance in perpetuity for ever, and then being, or that had or ought to be contributory or chargeable to the payment of the first-fruits and tenths, according to the laws and statutes in that behalf had and made, by what name, surname, degree, or corporation they or any of them were founded, ordained, established, erected, named, called, or known, and all and singular the mansion houses, manors, orchards, gardens, lands, tenements, pastures, woods, waters, rents, reversions, services, commons, tithes, pensions, portions, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, leets, courts, liberties, privileges, franchises, and other hereditaments whatsoever, then appertaining or belonging, or that did appertain or belong, or were assigned or appointed to any such college, free chapel,

Recital of 37 Hen. VIII, c. 4, dissolving chantries.

1547. chantry, hospital, fraternity, brotherhood, guild, stipendiary priest, or other the said promotions, or to any of them, or accepted, known, or taken as part, parcel, or member of them or of any of them, and to the said colleges, chantries, free chapels, hospitals, fraternities, brotherhoods, guilds, stipendiary priests, or other promotions, or to any of them united or annexed, which between the fourth day of February in the seven-and-twentieth year of the said late king's reign, and the five-and-twentieth day of December in the thirty-seventh of his grace's reign, by reason of any entry, expulsion, bargain, sale, feoffment, fine, recovery, lease, or other conveyance thereof made, were dissolved, determined, or relinquished by any of the ways, means, or conveyances mentioned in the said Act, or otherwise, other than such of them as then were in the possession of the said late king, or that were granted or assured by his licence, agreement, consent, or letters patent to any person or persons, or then had been lawfully obtained or recovered by any person by any former right or title, without fraud or covin, or by the king's licence, should from thenceforth, by authority of the same former Act, be adjudged and deemed, and also be in the very actual and real possession and seisin of the said late king, and of his heirs and successors for ever, in as large and ample manner as the said priests, wardens, masters, ministers, governors, rulers, or other incumbents, or any of them, or the patrons, donors, or founders of any of them, at any time since the said fourth day of February in the twenty-seventh year aforesaid, had occupied or enjoyed, or then had occupied or enjoyed the same, and as though all and singular the said colleges, chantries, hospitals, free chapels, fraternities, brotherhoods, guilds, and other the said promotions, and the said manors, lands, tenements, hereditaments, and other the premises whatsoever they be, and every of them, had been in the said former Act specially, particularly, and certainly rehearsed, named, and

expressed by express words, names, surnames, corporations, titles, and faculties, and in their natural kinds and qualities; the said entries, expulsions, bargains, sales, fines, feoffments, recoveries, or other assurance and conveyance whatsoever they were, had or made (except before, in the former Act, excepted) to the contrary notwithstanding. 1547.

Power given to Henry VIII thereby to enter upon lands of such chantries, &c.

And where also it was enacted and granted to the said late king, by the said former Act, that the same late king, during his natural life, might make and direct his commission and commissions under his great seal, to enter into all and singular such and as many chantries, free chapels, hospitals, colleges, and other the promotions mentioned in the said former Act, and into all and singular such manors, mansions, houses, meases, lands, tenements, pastures, woods, waters, rents, reversions, services, possessions, and other hereditaments whatsoever, or into any part or parcel thereof, in the name, seisin, and possession of all the hereditaments annexed, united, belonging, or appertaining to any chantry, hospital, free chapel, college, fraternity, brotherhood, guild, or other the said promotions, or whereof any priests, provosts, governors, rulers, or other incumbents of them or of any of them, by what name, surname, degree, title, or corporation they and every of them or any of them were founded, erected, ordained, established, named, called, or known, then had or enjoyed, or that hereafter should have or enjoy, to the said chantries, hospitals, free chapels, colleges, fraternities, brotherhoods, guilds, and other the said promotions that then were chargeable to the payment of the first-fruits and tenths, and all colleges that were chargeable or not chargeable to the said payment of the first-fruits and tenths as is aforesaid, or to any of them, as should be named, expressed, and appointed in the same commission or commissions, and to seize and take the same chantries, hospitals, colleges, free chapels, fraternities, brotherhoods, guilds, and other the said promotions, manors, lands, tene-

1547. ments, and other the premises mentioned in the said commission or commissions and in every of them, and every part, parcel, and member of the same, into the king's possession and hands, to have and to hold the same to the said late king and to his heirs and successors for ever; as by the said former Act, amongst other things, more at large appears:

All chantries, &c., and their possessions confirmed to Edward VI.

It is now ordained and enacted by the king our sovereign lord, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, that all manner of colleges, free chapels, and chantries, having been or in *esse* within five years next before the first day of this present Parliament (which were not in actual and real possession of the said late king, nor in the actual and real possession of the king our sovereign lord that now is, nor excepted in the said former Act in form abovesaid, other than such as by the king's commissions in form hereafter mentioned shall be altered, transposed, or changed), and all manors, lands, tenements, rents, tithes, pensions, portions, and other hereditaments and things above mentioned, belonging to them or any of them, and also all manors, lands, tenements, rents, and other hereditaments and things above mentioned, by any manner of assurance, conveyance, will, devise, or otherwise had, made, suffered, knowledged or declared, given, assigned, limited or appointed, to the finding of any priest, to have continuance for ever, and wherewith or whereby any priest was sustained, maintained, or found within five years next before the first day of this present Parliament (which were not in the actual and real possession of the said late king, nor in the actual and real possession of our sovereign lord the king that now is), and also all annual rents, profits, and emoluments, at any time within five years next before the beginning of this present Parliament, employed, paid, or bestowed toward or for the maintenance, supportation, or

finding of any stipendiary priest, intended by any Act or writing to have continuance for ever, shall, by the authority of this present Parliament, immediately after the feast of Easter next coming, be adjudged and deemed, and also be, in the very actual and real possession and seisin of the king our sovereign lord, and his heirs and successors for ever, without any office or other inquisition thereof to be had or found, and in as large and ample manner and form as the priests, wardens, masters, ministers, governors, rulers, or other incumbents of them or any of them, at any time within five years next before the beginning of this present Parliament, had, occupied, or enjoyed, or now has, occupies, or enjoys the same, and as though all and singular the said colleges, free chapels, chantries, stipends, salaries of priests, and the said manors, lands, tenements, hereditaments, and other the premises, whatsoever they be, and every of them, were in this present Act specially, particularly, and certainly rehearsed, named, and expressed by express words, names, surnames, corporations, titles, and faculties, and in their natures, kinds, and qualities. 1547.

So with regard to lands, &c., for the maintenance of priests for a limited time;

And over that, be it ordained and enacted by the authority of this present Parliament, that where any manors, lands, tenements, tithes, pensions, portions, rents, profits, or other hereditaments, by any manner of assurance, conveyance, will, devise, or otherwise, at any time heretofore had, made, suffered, knowledged, or declared, were given, assigned, or appointed, to or for the maintenance, sustentation, or finding of one priest, or divers priests, for term of certain years yet continuing, and that any priest has been maintained, sustained, or found with the same, or with the revenues or profits thereof, within five years last past, that the king, from the said feast of Easter next coming, shall have and enjoy, in every behalf, for and during all such time to come, every such and like things, tenements, hereditaments, profits, and emoluments, as the priest or priests ought or should have

1547. had for or toward his or their maintenance, sustenance, or finding, and for no longer or further time, nor for any other profit, advantage, or commodity thereof to be taken.

but reversioners to have possession after the expiry of the term.

Provided always, and it is ordained and enacted by the authority of this present Parliament, that when and as soon as the time assigned for the maintenance, sustentation, or finding of the priest or priests shall be expired and run, that then it shall be lawful to every person and persons, to whom any manors, lands, tenements, tithes, portions, pensions, rents, and other hereditaments, or any of them, should have belonged or appertained if the said former Act and this Act had never been had or made, to enter into, take, perceive, have, and enjoy the same, without any manner of livery, *Ouster le main*, petition, or other suit to be made to the king, in like manner, form, and condition, to all intents, constructions, and purposes, as though the said former Act and this Act had never been had or made, and as though the king had never had any seisin or possession thereof; anything in the said former Act, or in this Act, to the contrary in any wise notwithstanding.

Lands, the issues of which were given wholly for maintenance of an obit, vested in king.

And be it ordained and enacted by the authority of this present Parliament, that the king our sovereign lord, his heirs and successors, from the said feast of Easter next coming, shall have, hold, perceive, and enjoy, for ever, all lands, tenements, rents, and other hereditaments, which by any manner of assurance, conveyance, will, wills, devise or otherwise, at any time heretofore had, made, suffered, knowledged or declared, were given, assigned, or appointed to go or to be employed wholly to the finding or maintenance of any anniversary or obit, or other like thing, intent, or purpose, or of any light or lamp in any church or chapel, to have continuance for ever, which has been kept or maintained within five years next before the said first day of this present Parliament.

And also that where but part of the issues or revenues

1547.

of any manors, lands, tenements, rents, or other hereditaments has, by any of the ways or means abovesaid, been given, assigned, or appointed to be bestowed or employed to the finding or maintenance of any anniversary or obit, or other like thing, intent, or purpose, or of any light or lamp in any church or chapel, and to have continuance for ever, that then our said sovereign lord the king shall, from the said feast of Easter next coming, for ever, have, perceive, and enjoy every such sums of money, that, in any one year within five years next before the first day of this present Parliament, has been expended and bestowed about the finding or maintenance of any such anniversary or obit, or other like thing, intent, or purpose, or of any light or lamp, to him, his heirs and successors for ever, as a rent-charge to be paid yearly at the feasts of St. Michael the Archangel and the Annunciation of Our Lady St. Mary the Virgin, by even portions, in the king's court of the augmentations and revenues of his crown, or in any other court or courts, as the king hereafter shall appoint. And that it shall be lawful to our said sovereign lord the king, his heirs and successors, for non-payment of any such sum or sums of money, to distrain in the said manors, lands, and tenements, of the issues and revenues whereof the said anniversary or obit, or other like thing, or any such light or lamp, was found, sustained, or maintained. And that for lack of sufficient distress, in or upon any of the premises whereof any of the said yearly rents or sums of money should be paid, by the space of one month next after that any of the said rents should be paid, and be not paid within the said month; that then it shall be lawful to and for our sovereign lord the king, his heirs and successors, by virtue of this present Act, to enter into, and to have and possess as much of the lands, tenements, and hereditaments, whereof the said rent or rents should be levied or paid, as the rent or rents that should be levied or paid out of the same does

So with regard to lands, the part-issues of which are so devoted.

Power of the king to distrain for the rent and entry for default thereof.

1547. or shall amount or come to in yearly value, and the same lands, tenements, and hereditaments to hold and keep, and to have to our said sovereign lord the king, his heirs and assigns for ever, or for such estate as our sovereign lord the king, his heirs or successors, had, or ought to have had, of or in the said rent or rents.

Money given for finding priests, obits, lamps, or lights, by a corporation, to be paid to the king.

And it is also ordained and enacted by the authority of this present Parliament, that our sovereign lord the king shall, from the said feast of Easter next coming, have, perceive, and enjoy all and singular such sums of money, profits, commodities, and emoluments, which, by virtue of any manner of assurance, conveyance, composition, will, devise, or otherwise, heretofore have been given, assigned, limited, or appointed to have continuance for ever, which in any one year within five years next before the beginning of this present Parliament, have been paid, bestowed, or employed by any manner of corporations, guilds, fraternities, companies, or fellowships, or mysteries, or crafts, or any of them, being in England, Wales, and other the king's dominions, or by the masters, wardens, governors, or other officers or ministers, or by the master, warden, governor, or other officer or minister of them, or any of them, toward or about the finding, maintenance, or sustentation of any priest or priests, of any anniversary or obit, lamp, light or lights, or other like thing as is aforesaid, to our said sovereign lord the king, his heirs and successors for ever, to be paid yearly as a rent-charge at the feasts of Saint Michael the Archangel and the Annunciation of Our Lady, by even portions, in the king's court of the augmentations and revenues of his crown, or in any other court or courts, as the king hereafter shall appoint.

The king may distrain for the money or profit.

And that it shall be lawful to our said sovereign lord the king, his heirs and successors, for non-payment of any such sum or sums of money, profit, commodity or emolument, or for non-payment of any of them, to distrain in

all the manors, lands, and tenements of every such crafts, corporations, guilds, fraternities, companies, or fellowships of mysteries or crafts, or any of them, by whom, or by the masters, wardens, governors, or other officers or ministers, or master, warden, governor or minister, of the which any such sum or sums of money, profit, commodity, or emolument have or has been paid, bestowed, or employed; and that all and every of the said sums of money, profits, commodities, and emoluments shall from the feast of Easter next coming, without any manner of inquisition or office to be had or found, be judged and deemed to be in the actual and real possession of our said sovereign lord the king, in like manner and form to all intents, constructions, and purposes, as if the same had been particularly and specially mentioned in this present Act. 1547.

Fraternities, brotherhoods, and guilds given to the king.

And furthermore be it ordained and enacted by the authority aforesaid, that the king our sovereign lord shall, from the said feast of Easter next coming, have and enjoy to him, his heirs and successors for ever, all fraternities, brotherhoods, and guilds, being within the realm of England and Wales, and other the king's dominions; and all manors, lands, tenements, and other hereditaments belonging to them or any of them—other than such corporations, guilds, fraternities, companies, and fellowships of mysteries or crafts, and the manors, lands, tenements, and other hereditaments pertaining to the said corporations, guilds, fraternities, companies, and fellowships of mysteries or crafts above mentioned—and shall by virtue of this Act be judged and deemed in the actual and real possession of our said sovereign lord the king, his heirs and successors, from the said feast of Easter next coming, for ever, without any inquisition or office thereof to be had or found.

Power given to commissioners to

And also be it ordained and enacted by the authority aforesaid, that our said sovereign lord the king, his heirs and successors, at his and their will and pleasure, may direct

1547. survey the property vested in the king by this Act.

his and their commission and commissions under the great seal of England to such persons as it shall please him; and that the same commissioners, or two of them at the least, shall have full power and authority by virtue of this Act, and of the said commission, as well to survey all and singular lay corporations, guilds, fraternities, companies, and fellowships of mysteries or crafts incorporate, and every of them, as all other the said fraternities, brotherhoods, and guilds within the limits of their commission to them directed, and all the evidences, compositions, books of accounts, and other writings of every of them, to the intent thereby to know what money and other things was paid or bestowed to the finding or maintenance of any priest or priests, anniversary or obit, or other like thing, light or lamp, by them or any of them; as also to inquire, search, and try by all such ways and means as to them shall be thought meet and convenient, what manors, lands, tenements, rents and other hereditaments, profits, commodities, emoluments, and other things, be given, limited, or appointed to our said sovereign lord the king by this Act, within the limits of their commission.

In cases where a guild, chantry priest, &c., ought to have kept a grammar school, part of property of that guild or chantry so dissolved to be devoted to keeping such school,

And also that the same commissioners, or two of them at the least, by virtue of this Act and of the commission to them directed, shall have full power and authority to assign, and shall appoint (in every such place where guild, fraternity, [or] the priest or incumbent of any chantry *in esse*, the first day of this present Parliament, by the foundation ordinance or the first institution thereof, should or ought to have kept a grammar school or a preacher, and so has done since the feast of St. Michael the Archangel last past) lands, tenements, and other hereditaments of every such chantry, guild, and fraternity to remain and continue in succession to a schoolmaster or preacher for ever, for and toward the keeping of a grammar school or preaching, and for such godly intents and purposes, and in such manner

and form, as the same commissioners, or two of them at the least, shall assign or appoint. 1547.

And also to make and ordain a vicar to have perpetuity for ever in every parish church, the first day of this present Parliament, being a college, free chapel, or chantry, or appropriated, annexed, or united to any college, free chapel, or chantry, that shall come to the king's hands by virtue of this Act, and to endow every such vicar sufficiently, having respect to his cure and charge; the same endowment to be to every such vicar, and to his successors for ever, without any other licence or grant of the king, the bishop, or other officers of the diocese. and for the endowment of a vicar.

And also the said commissioners, or two of them at the least, shall have authority by force of this Act, to assign in every great town or parish, where they shall think necessary to have more priests than one, for the ministering of the sacraments within the same town or parish, lands and tenements belonging to any chantry, chapel, or stipendiary priest, being within the same town or parish the first day of this present Parliament, to be to such person and persons as the said commissioners, or two of them at the least, shall assign or appoint to continue in succession for ever, for and towards the sufficient finding and maintenance of one or more priests within the same town or parish, as by the said commissioners, or two of them, shall be thought necessary or convenient; and as well to make ordinances and rules concerning the service, user, and demeanour of every such priest and schoolmaster, as is aforesaid, to be appointed, as also by what name or names he and they shall from henceforth be named and called. In populous places, lands of chantries, &c., may be bestowed in maintenance of additional clergy.

And also that the said commissioners, or two of them at the least, shall have full power and authority, by virtue of this Act and of the said commission to them directed, to assign as well to every dean, master, warden, provost, and other incumbent and minister of any of the said Power to assign pensions to chantry priests, &c.

1547. colleges, free chapels, or chantries, being within the limits of their commission, which hereafter shall be dissolved or determined by virtue of this Act, as to every stipendiary priest and other priest whose salary the king shall be entitled unto by this Act, as to every fellow and poor person having yearly relief out of any of the said colleges, free chapels, or chantries, being within the limits of their commission, such several yearly annuities, pensions, or other recompenses during their several lives, as to the same commissioners, or two of them, shall be thought meet and convenient.

Yearly benefits assured to certain persons out of a chantry, &c., shall be continued and paid.

And over that, the said commissioners, or two of them at the least, shall have full power and authority, by virtue of this Act and of the commission to them directed, to inquire and try by such ways and means as they shall think meet and convenient, what money, profit, and benefit any poor person or persons by virtue of any conveyance, assurance, composition, will, devise, or otherwise heretofore had or made, intended or meant to have continuance for ever, had or enjoyed within five years next before the beginning of this present Parliament, out of any college, free chapel, or chantry, and other the premises, given, limited, or appointed to the king by this Act, being within the limits of their commission; and thereupon to make assignments and orders in such manner and form as all and singular such said money, profit, and commodity shall be paid to poor people for ever, according to such said assurance, composition, will, devise, or other thing had or made for the same; and to assign and appoint lands, tenements, or other hereditaments, parcel of the premises, for the maintenance and continuance of the same for ever; and also to appoint to fraternities, brotherhoods, and guilds, lands, tenements, and hereditaments, parcel of the premises, towards and for the maintenance of piers, jetties, walls, or banks against the rages of the sea, havens, and creeks.

Lands assigned towards the maintenance of sea-walls and banks.

1547.

How to be paid.

And that all and singular annuities, pensions, and other recompenses shall be half-yearly paid to the persons to whom the same ought to be paid, by the king's receiver for the time being, of his lands commonly called the suppressed lands, or other his revenues, lying in the county or city where such college, free chapel, or chantry, or other the premises, given, limited, or appointed to the king by this Act, the first day of this present Parliament were or remained, without any fee or reward therefore to be paid, the first payment to begin at the feast of St. Michael the Archangel next coming; and that every such receiver, upon his account, shall have full and due allowance of all such annuities, pensions, and other recompenses by him paid, by virtue of any such assignment to be made by the said commissioners, or two of them at the least.

The commissioners to act beneficially towards the clergy, the poor, and for the maintenance of sea-walls, &c.

And it is ordained and enacted by the authority of this present Parliament, that the said commissioners, and every of them, that shall take upon him the execution of any of the said commissions, shall be bound, as he will answer before God, to execute the commission to him and other directed, beneficially towards the deans, masters, wardens, provosts, and other incumbents and ministers aforesaid, and towards the poor people, concerning the said assignments, and also toward the maintenance of piers, jetties, walls, and banks against the rages of the sea, havens, and creeks.

Their certificates to have force of law.

And that all manner of assignments and ordinances to be made by the said commissioners, or two of them at the least, and certified under their seals, or the seals of two of them at the least, into the king's court of the augmentations and revenues of his crown, or to any other court or courts, by the king's majesty to be made or assigned, shall by virtue of this Act, and of the said commissions, be as good and effectual in the law, to all intents, constructions, and purposes, as though the same had been assigned and ordained by authority of

1547. this present Parliament, by express and apt words, terms, and sentences.

No annuity or pension shall extend to more than it did before.

Provided also, that such annuities, pensions, or other recompenses that the said commissioners, or any of them, shall assign or appoint to be paid yearly to any such dean, master, warden, governor, or other incumbent, fellow, or minister, shall not extend to any more clear yearly value than such dean, master, warden, provost, governor, or other incumbent, fellow, or minister, or his predecessor, lawfully had or enjoyed in money, meat, drink, livery, or allowance of the same yearly, within five years next before the beginning of this present Parliament.

A pension shall cease on promotion to a better living.

Provided also, that if any of the said masters, wardens, provosts, governors, or other incumbents, fellows, or ministers, shall at any time hereafter during his life be promoted by the king to any benefice or other spiritual promotion, being of a better clear yearly value than his said annuity or pension or other recompense shall be of; that then the annuity, pension, or other recompense that any such dean, master, warden, governor, provost, or other incumbent, fellow, [or] minister that shall be so promoted shall have, shall immediately after such promotion had, cease and utterly determine.

The commissioners to make certificate of lands assigned.

And be it ordained and enacted by the authority of this present Parliament, that the said commissioners, or two of them at the least, to whom any commission by virtue or means of this Act shall be directed and delivered, shall be bound, upon the forfeiture, every of them of a hundred pounds, to make certificate under their seals, or the seals of two of them at the least, into the said court of the augmentations and revenues of the king's crown, or into any other court, as is aforesaid, within one year next after the commission to them directed, of all manors, lands, tenements, rents, tithes, portions, pensions, hereditaments, and recompenses, by the same commissioners or two of them

assigned or appointed to any of the uses, intents, or purposes above mentioned. 1547.

The king to have the goods, plate, &c., of every college, &c.

And also be it ordained and enacted by the authority of this present Parliament, that our sovereign lord the king shall have and enjoy all such goods, chattels, jewels, plate, ornaments, and other moveables, as were, or be, the common goods of every such college, chantry, free chapel, or stipendiary priest, belonging or annexed to the furniture or service of their several foundations, or abused of any of the said corporations in the abuses aforesaid, the property whereof was not altered nor changed before the eighth day of December in the year of our Lord God 1547.

The debts of colleges shall be paid by the king.

And it is also ordained and enacted by the authority of this present Parliament, that all such debts and sums of money, as ought or should, without fraud or covin, hereafter be paid of the money or goods of any of the said colleges, due or payable by reason of any contract, specialty, or promise had or made before the same eighth day, shall truly and fully be paid by the treasurer of the king's court of the augmentations and revenues of his crown, or by the treasurer or receiver of any other court to which any of the premises shall be appointed, of the king's treasure, being in his or their hands, with as convenient speed as the same may be paid.

Exceptions of certain colleges, &c., out of this Act,

Provided always, and be it ordained and enacted by the authority aforesaid, that this Act, or any article, clause, or matter contained in the same, shall not in any wise extend to any college, hostel, or hall being within either of the Universities of Cambridge and Oxford; nor to any chantry founded in any of the colleges, hostels, or halls being in the same Universities; nor to the free chapel of St. George the Martyr, situate in the castle of Windsor; nor to the college called St. Mary's College of Winchester beside Winchester, of the foundation of Bishop Wykeham; nor to the college of Eton; nor to the parish church commonly called the Chapel

1547. in the Sea in Newton, within the isle of Ely, in the county of Cambridge; nor to any manors, lands, tenements, or hereditaments to them or any of them pertaining or belonging; nor to any chapel made or ordained for the ease of the people dwelling distant from the parish church, or such like chapel whereunto no more lands or tenements than the churchyard or a little house or close does belong or pertain;

and of cathedral churches. nor to any cathedral church or college where a bishop's see is, within this realm of England or Wales, nor to the manors, lands, tenements, or other hereditaments of any of them, other than to such chantries, obits, lights, and lamps, or any of them, as at any time within five years next before the beginning of this present Parliament have been had, used, or maintained within the said cathedral churches, or within any of them, or of the issues, revenues, or profits of any of the said cathedral churches, to which chantries, obits, lights, and lamps it is enacted by the authority aforesaid that this Act shall extend.

The king may alter the names of chantries in colleges, &c., excepted. And it is ordained and enacted by the authority aforesaid, that our sovereign lord the king, at any time during his life (which God long preserve), may at his will and pleasure alter and change the name or names of all and singular chantries, and the foundations of the same, being in any of the colleges, hostels, or halls of any of the said universities, according as to his godly wisdom shall be thought meet and convenient.

Certain rents, &c., saved to donors, founders, &c., of colleges, chantries, &c. Saving to all and every person and persons, bodies politic and corporate, their heirs and successors, and the heirs and successors of every of them—other than the masters, wardens, ministers, governors, rulers, priests, incumbents, fellows, and brethren of the said colleges, chantries, free chapels, and other the premises, given, limited, or appointed to the king by this Act, and the successors of them and every of them, and other than such as be or pretend to be founders, patrons, or donors of the premises or any of them, or of any part or parcel thereof, and the heirs, successors, and assigns of every

or any of them, and other than such as be or were feoffees, recoverees, cognizees, grantees, or devisees of any of the premises to or for any of the uses, purposes, or intents above mentioned, or to the use of any of the said colleges, free chapels, chantries, or other the premises, given, limited, or appointed by this Act to the king, or to the intent to employ the rents or profits thereof to the use of the masters, rulers, incumbents, or ministers of them or any of them, and other than such person and persons and bodies politic and corporate, their heirs, successors, and assigns, as claim or pretend to have estate, right, title, interest, use, possession, or condition of, in, or to the premises or any part or parcel thereof, by reason of any feoffment, fine, bargain, and sale, or by any other ways, means, or conveyance to them made of any estate of inheritance, without the said late king's licence, assent, consent, or agreement, and without the licence, assent, or agreement of the king's majesty that now is, by any of the said deans, masters, wardens, ministers, governors, rulers, priests, or incumbents, or by the founders, donors, or patrons of them or of any of them—all such right, title, claim, possession, interest, rents, annuities, commodities, commons, offices, fees, leases, liveries, livings, pensions, portions, debts, duties, and other profits, which they or any of them lawfully have, or of right ought to have, or might have had, in, of, or to any of the premises, or in, of, or to any part or parcel thereof, in such like manner, form, and condition, to all intents, respects, constructions, and purposes, as if this Act had never been had or made, and as though the said chantries, colleges, and other the said promotions had still continued and remained in their full being; and saving to all and every patron, donor, founder, or governor of any such college, chantry, free chapel, stipendiary priests, and other the premises, given, limited, or appointed to the king by this Act, and the donor, feoffor, and giver of the aforesaid lands, tenements, or hereditaments, to them or any of them, 1547.

1547. or to any uses or purposes before mentioned, all such rents services, rents seck, rent-charges, fees, annuities, profits, and offices; and also all leases for term of life, lives, and years, whereupon the accustomed rent, or more, is reserved, as they or any of them lawfully had, perceived, and enjoyed in, out, or of any of the said promotions, or out of any of the said lands, tenements, or hereditaments, before the first day of this present Parliament.

Purchasers of chantry, college, &c., lands may claim repayment of purchase money from vendors.

And over that, it is ordained and enacted by the authority of this present Parliament, that all and every person and persons being in life, which have or has for any sum of money to him or them paid, bargained or sold any manors, lands, tenements, or other hereditaments aforesaid, whereunto the king our sovereign lord is entitled by virtue of this Act, shall repay to such person as so bought any of the said manors, lands, tenements, or other hereditaments, or to his executors or assigns, upon a request therefor made, or within three months then next ensuing the same request, as much money as he or they received for the sale of anything so by him or them sold; and for non-payment thereof such person and persons as purchased or bought the said lands, tenements, and other the premises, or any parcel thereof, and their executors and administrators, shall be enabled by the authority of this present Parliament to sue and maintain an action of debt at the common law of this realm, against such person or persons as so bargained or sold to him or them, or to their testator, any of the premises belonging to any college, chantry, free chapel, or other promotion spiritual; in which action of debt no essoin, protection, or wager of law shall be admitted or allowed.

All chantry, college, &c., lands shall be under the survey

And be it further enacted by the authority aforesaid, that all and every of the said chantries, colleges, and free chapels, and other the premises, given, limited, or appointed to the king by this Act, and all the mansion houses, manors, lands, tenements, possessions, and hereditaments, and other

the premises, whatsoever they be, given, limited, and appointed to the king by this Act, and every part and parcel of them, which by authority and virtue of this Act be vested, adjudged, and deemed, or shall be in the king's majesty's possession and hands, or which the king shall be entitled unto by virtue of this Act, shall be in the order, survey, and governance of our sovereign lord the king's court of the augmentations and revenues of his crown, or in such other court as the king at any time hereafter shall assign, name, or appoint, and so shall and may be granted, let, and set to farm by the chancellor, officers, and ministers of the same court, or of any other court so to be appointed, in such manner and form as other manors, lands, and tenements appointed to the same court of augmentations and revenues of his grace's crown, or other court so to be appointed, are to be granted or let: and that all farms, issues, revenues, and profits coming and growing of the same premises, and of every part thereof, shall be taken and received to the king's use, by the officers and ministers of the same court or courts, in such manner and form as is used and had of other manors, lands, and tenements, and of the issues, revenues, and profits of the same, committed to the order, rule, survey, and governance of the said court of the augmentations and revenues of the king's crown, or any other court so to be appointed; any Act, statute, ordinance, custom, or use heretofore had, made, or used to the contrary notwithstanding. 1547. of the court of augmentations.

And it is further enacted by the authority aforesaid, that if any of the said masters, wardens, ministers, rulers, governors, priests, incumbents, or owners of any such college, chantry, free chapel, or any of the premises given, limited or appointed to the king by this Act, or of any of them, since the three-and-twentieth day of November in the thirty-seventh year of the reign of the said late king, have Leases of chantry &c., lands, made by the governors not reserving the old rent, shall be void.

1547. made any lease under his or their common seal or otherwise, for term of years, life, or lives, of their said colleges, chantries, free chapels, or of other the same premises or of any part thereof, or of any manors, lands, tenements, possessions, or hereditaments whatsoever they be, to them or to any of them united or annexed, belonging or appertaining, upon the which leases the usual and old rents and farms accustomed to be yielded and reserved, or more, by the space of twenty years next before the said three-and-twentieth day of November, not reserved and yielded, shall be utterly void and of none effect, and that all other leases and grants heretofore made of any of the premises given, limited, or appointed to the king by this Act, shall be as good, available, and effectual in the law, to all intents, constructions, and purposes as if this Act had never been had or made; anything in this Act, or any other Act heretofore had or made, to the contrary thereof in any wise notwithstanding.

Exception as to lands of which the governors of any colleges, &c., were seized to their own uses;

Provided always, and be it further ordained and enacted by the authority aforesaid, that this Act or anything therein contained shall not extend to any manors, lands, tenements, possessions, or hereditaments, which the said masters, wardens, ministers, chantry priests, incumbents, or other the said governors, officers, ministers, or rulers of the premises or of any of them, has or is, or hereafter shall have, or be possessed or seised of, in fee simple, fee tail general or special, for term of life, term of years, or otherwise, to his or their own proper uses, by inheritance or purchase, and not being at any time united or annexed to his or their said colleges, free chapels, chantries, or other the premises given, limited, or appointed to the king by this Act; nor shall extend to any manors, lands, tenements, possessions, rents, annuities, and yearly pension or pensions, or to any yearly sum or sums of money, being not united or parcel of any of the said colleges and other the premises

and as to lands, &c., not united to the said colleges,

aforesaid, or of any of them, heretofore given or granted by the said late king, or given or granted, or hereafter to be given or granted by the king our sovereign lord, to any of the said deans, masters, wardens, ministers, chantry priests, incumbents, governors, or rulers of the premises or of any of them, for term of life only, under his great seal of England, or under the seal of the court of the augmentations and revenues of the king's crown, or any other of the king's seals of any of his courts; anything contained in this Act to the contrary in any wise notwithstanding. 1547. &c., but granted by Henry VIII or Edw. VI to any deans, &c.

Provided always, and be it enacted by the authority aforesaid, that as well all and every patron, donor, founder, and giver of any of the said promotions or premises, or giver, donor, or feoffor of any their lands, tenements, possessions, or other hereditaments, as all and every person and persons, bodies politic and corporate, which before the making of this Act lawfully without fraud or covin had or enjoyed any manner of rent or other yearly profits to be taken, perceived, or had of any chantries, colleges, free chapels, or other the premises given, limited, or appointed to the king by this Act, or out of any manors, lands, tenements, or other possessions of them or any of them, shall have and enjoy the same in like manner and form as they should and ought to have done, if the said colleges, chantries, free chapels, and other the premises given, limited, or appointed to the king by this Act, had still remained and continued in *esse* and full being; anything in this Act mentioned to the contrary in any wise notwithstanding. Proviso for such as had rent or yearly profit out of the lands of any chantry, &c.

Provided also, and be it enacted by the authority aforesaid, that if any such governor, ruler, warden, master, incumbent, minister, or other, having any of the said spiritual promotions, or incumbencies, have or shall compound for the first-fruits of any such spiritual promotions, according to the laws and statutes of this realm, and the days of payment of any part thereof not expired before the first day of Wardens, &c., having compounded for first-fruits need not pay balance of composition.

1547. this Parliament, that all sums of money so to be due and payable since the said first day of this Parliament shall cease and be not paid, asked, or demanded; any bond, recognizance, surety, or other thing had or made to the contrary notwithstanding.

Payments out of the premises into the exchequer to be continued.

Provided always, and be it enacted by the authority aforesaid, that all such rents, services, issues, profits, and other sums of money payable out of or for any of the premises, or any of them, in the king's court of his Exchequer, shall continue and be continually and yearly levied, charged, or paid in the same court, in such manner and form as heretofore has been used; any law, custom, unity of possession in the king's highness, or other thing to the contrary notwithstanding, and as though the said promotions, manors, lands, tenements, and other the premises had not come to the king's hands or possession.

Grants of the premises made by Henry VIII, or made, or to be made, by Edw. VI, or by royal licence, shall stand good.

And be it further enacted by the authority aforesaid, that all and every letters patent made by the said late King Henry VIII, or by the king's majesty that now is, or hereafter to be made by his highness, to any person or persons, or to any archbishop or bishop, of any of the said colleges, chantries, free chapels, or other the premises, or any part or parcel of them, or of any lands, tenements, or hereditaments belonging or appertaining, or that did belong or appertain to them or to any of them, and all fines, gifts, grants, feoffments, recoveries, and all other assurances and conveyances thereof had or made by the assent, consent, or licence under the great seal of England, of the said late King Henry VIII, or of the king's majesty that now is, to any person or persons, bodies politic or corporate, by any chantry priest, master, warden, minister, ruler, governor, or other having any of the said promotions, of any of the said colleges, chantries, free chapels, or other the premises, or any of them, or of any part, parcel, or member of the same, shall stand and be in their forces and effects, and shall be

good and effectual in the law for such estates and interests given, granted, limited, or appointed in any of the gifts, grants, assurances, or conveyances thereof had or made, according to their purports, form, and matter, and according to the true intent and meaning of the same assurances, and shall be by authority of this Act good, perfect, and available, as well against the king, his heirs and successors, as against the said chantry priests, wardens, masters, rulers, governors, and other having any of the said promotions, and their successors and the successors of every of them, as also against the founders, donors, and patrons of the same, and the ordinary of them and of every of them, and the heirs and successors of every of them; any law, statute, ordinance, or other thing to the contrary thereof notwithstanding. 1547.

There have been voluntary grants of ecclesiastical property to the Crown;

And where divers and sundry bishops, deans, archdeacons, treasurers, prebendaries, chantry priests, masters, provosts, rulers, governors of any deaneries, archdeaconries, treasurerships, prebends, free chapels, chantries, or colleges within this realm of England and other the king's majesty's dominions, or any of the patrons, founders, donors of any of the bishoprics, treasurerships, deaneries, chantries, free chapels, or other the said spiritual promotions, of their voluntary wills or minds, for divers good and reasonable causes and considerations, by deed or deeds enrolled, or by other writings or conveyances, heretofore given and granted to the late king of famous memory, Henry VIII, late king of England, and to his heirs, or to our sovereign lord the king that now is, and to his heirs, divers of their deaneries, archdeaconries, treasurerships, prebends, chapels, chantries, and colleges, or any other ecclesiastical or spiritual promotions last before remembered; and all or some part of the manors, lands, tenements, tithes, pensions, annuities, rents, reversions, and other revenues, hereditaments, possessions, emoluments, and profits to the same bishoprics,

1547. deaneries, archdeaconries, treasurerships, prebends, chapels, chantries, colleges, and other like promotions, benefices, offices, and dignities, or to any of them belonging, appertaining, united, or annexed, or which the said bishops, deans, archdeacons, treasurers, chantry priests, masters, provosts, rulers, governors, and other ecclesiastical or spiritual officers or ministers, or any of the said patrons, donors, or founders, or any of them, had or enjoyed in the right, or by reason of any of the same promotions, offices, or dignities. Be it enacted by the authority aforesaid, that all and every gifts and grants heretofore made to the said late king and to his heirs, or to our sovereign lord the king that now is and to his heirs, by any archbishop, bishop, dean, archdeacon, treasurer, prebendary, master, provost, governor, or other the said ecclesiastical or spiritual person or persons, or by any patrons, donor, or founder of any of the said deaneries, chantries, or other of the said spiritual or ecclesiastical promotions, or of all or any of the manors, lands, tenements, tithes, rents, reversions, pensions, portions, annuities, or other hereditaments, revenues, emoluments, profits, or commodities to any of the said benefices, offices, prebends, promotions, or dignities belonging, appertaining, united, or annexed, or which any of the same archbishops, bishops, deans, archdeacons, treasurers, masters, provosts, prebendaries, rulers, governors, officers, or ministers, patrons, founders, or donors, had or enjoyed or have or enjoy, or ought to have or enjoy in the right, or by reason or means of any of the same promotions, offices, or dignities, shall be good and effectual in the law to all intents and purposes; saving to all and every person and persons and bodies politic and corporate, their heirs, successors, and assigns, and to the heirs, successors, and assigns of every of them (other than the archbishops, bishops, deans, archdeacons, treasurers, prebendaries, rulers, governors, wardens, provosts, givers and grantors of any of the premises, and their heirs,

such grants confirmed.

A saving of the right of others.

successors, and assigns, and other than such ecclesiastical or spiritual person, bodies politic or corporate, as are, or pretend to be, founders, donors, patrons, or ordinaries of the premises, or any of them), all such rights, titles, interests, claims, entries, rents, reversions, remainders, fees, offices, annuities, lands, tenements, hereditaments, profits, commodities, and emoluments, as they or any of them have or should or ought to have had, of, in, or to the premises next above mentioned or any part thereof, as if this Act had never been had or made; anything in this Act to the contrary in any wise notwithstanding. 1547.

Sales of parsonages or vicarages by their parsons or vicars void.

Provided always, that this Act, or anything therein contained, shall not in any wise extend to make good or effectual any gift, grant, bargain, sale, or alienation made by any parson or vicar of their parsonages or vicarages, or of any part or parcel thereof, or of anything to them or any of them belonging or appertaining.

Saving for Lord Cobham in respect of Cobham College.

Provided also, that this Act, or anything therein contained, shall not in any wise extend to hinder or prejudice George Brook, knight, Lord Cobham, his heirs or assigns, for or concerning the late college of Cobham in the county of Kent, or the manors, lands, tenements, or possessions thereof; anything above mentioned to the contrary in any wise notwithstanding.

This Act shall not extend to corporations of cities, &c.

Provided also, and be it enacted by the authority aforesaid, that this present Act, nor anything therein contained, shall in any wise extend or be prejudicial or hurtful to the general corporation of any city, borough, or town within this realm, or any other the king's dominions, nor shall extend to any the lands or hereditaments of them or any of them; anything herein contained to the contrary in any wise notwithstanding.

Colleges, &c., within the Duchy of Lan-

Provided also, and be it enacted by the authority aforesaid, that all such of the said colleges, free chapels, chantries, or other the premises, being appointed and given to

1547. caster, to be within the survey of the Duchy.

the king's highness by the authority of this Act, as be within the Duchy of Lancaster, and all manors, lands, tenements, and hereditaments pertaining or belonging to the same colleges, free chapels, and chantries, shall after the said feast of Easter next coming, be within the survey and order of the court of the Duchy of Lancaster, in such manner and form as other the premises be assigned or appointed by authority of this Act to be in the survey and order of the court of the augmentations and revenues of the king's crown, or other court by the king to be assigned; and that all commissions that hereafter shall be awarded by virtue and force of this Act concerning such colleges, free chapels, chantries, and other the premises as be within the said Duchy of Lancaster, shall be awarded under the great seal of England, and shall be certified into the same court of the Duchy of Lancaster; anything abovesaid to the contrary in any wise notwithstanding.

Special saving for the college or chantry of Attleborough in Norfolk.

Provided always, and be it enacted by the authority aforesaid, that this Act, nor anything therein contained, shall extend to the college or chantry of Attleborough in the county of Norfolk, which the said late King Henry VIII gave to Robert late Earl of Sussex and to his heirs; but that Henry now Earl of Sussex, son and heir to the said late earl, his heirs and assigns, shall and may by the authority of this Act have and enjoy the said college and chantry, and all manors, lands, tenements, advowsons, tithes, pensions, portions, and other hereditaments thereunto belonging or appertaining; anything in this Act to the contrary in any wise notwithstanding.

The king may alter nature of obits unsuppressed and dispose them to better use.

Provided always, and by the authority aforesaid be it enacted, that the king's majesty, at any time when it shall seem to him good, may give authority to certain his grace's commissioners, to alter the nature and condition of all manner of obits, as well within the Universities of Cambridge and Oxford, as in any other place within this his grace's

realm of England and Wales, being not suppressed nor annihilated by virtue of this present Act, and the same obits so altered to dispose to a better use, as to the relief of some poor men, being students, or otherwise. 1547

Provided also, and be it enacted by the authority aforesaid, that it shall not be lawful to any person or persons, bodies politic or corporate, by reason of any remainder, use, or condition, to enter into, claim, or challenge any lands, tenements, or hereditaments, for the non-doing, not naming, or non-finding of any such priest or priests or poor folks as is aforesaid, obit, anniversary, light, or lamp from henceforth to be founded or done; anything herein contained to the contrary in any wise notwithstanding. No person shall take advantage of any condition for not finding of any priest, obit, light, &c.

Provided always, that [neither] this Act, nor anything therein contained, shall in any wise extend to any lands, tenements, possessions, or hereditaments whatsoever, that any master, dean, prebendary, warden, or chantry, or any stipendiary priest of any college, chantry, prebend, fraternity, guild, or any other corporations, have or hold of any person or persons by copy of court roll, or at will according to the custom of any manor or manors; nor give or grant any copyhold lands to the king's highness; and also provided that the king's highness, his heirs or successors, shall not in any wise have, hold, enjoy, or take, by virtue of this Act, or any article therein contained, any manner of copyhold lands, tenements, possessions, or hereditaments, whatsoever they be; but that all and every of the said parsons and incumbents shall have, hold, and enjoy the same during their lives, towards their pension and yearly living, paying their rents and doing their customs and services thereof due and accustomed; anything in this Act to the contrary notwithstanding. This statute shall give no copyhold land to the king. Parsons and incumbents shall enjoy such lands for life towards their pensions

Provided that this Act shall not extend to any lands, tenements, or hereditaments assigned, appointed, or intended for the finding and maintenance of any chantry priest or This Act not to apply to lands

1547. stipendiary priest, which by any former right and good title, recovered from any chantry priest, &c., before 37 Hen. VIII, not chargeable with tithe. without fraud or covin, were lawfully recovered from the possession of any such chantry priest or stipendiary priest before the first day of October in the said thirty-seventh year of the reign of the said late King Henry VIII; which lands, tenements, and hereditaments were not charged nor chargeable to the payment of the perpetual tenth; anything in this Act to the contrary hereof notwithstanding.

Grants, &c. made by Henry VIII or Edward VI of colleges, chantries, &c., confirmed. Provided always, and be it enacted by the authority aforesaid, that all and singular grants, licences, confirmations, and letters patent which our late sovereign lord King Henry VIII, or our sovereign lord the king that now is, have made under the great seal of England to any person or persons, bodies politic or corporate, of any college, chapel, or chantry now being in *esse* or standing, or now not being in *esse* or not standing, or of any lordships, manors, lands, tenements, and hereditaments annexed, united, belonging, or appertaining to any college, chapel, or chantry now being in *esse* or standing, or now not being in *esse* or not standing, or of any other thing or things mentioned or expressed in this Act, and all and every matter and thing mentioned, expressed, or contained in any such grant, licence, confirmation, or letters patent, shall from henceforth be deemed, taken, expounded, and adjudged good and effectual in the law, according to the words, sentences, meanings, intents, form, and effects of the same grants, licences, confirmations, and letters patent, to all intents, constructions, and purposes as if this Act, and the said Act made in the said thirty-seventh year of the said late King Henry VIII, had never been had nor made: and that this Act, or the said Act made in the said thirty-seventh year of the reign of our said late sovereign lord King Henry VIII, or any clause, article, sentence, or other thing therein contained, shall not extend to any colleges, chapels, chantries, or other thing or things mentioned in this Act, now being in *esse* or

standing, or now not being in *esse* or not standing, or to any manors, lands, tenements, possessions, revenues, or hereditaments annexed, united, belonging, or appertaining to any college, chapel, chantry, or other thing mentioned in this Act, now being in *esse* or standing, or now not being in *esse* or not standing, or to any other thing or things mentioned or expressed in this Act, which any person or persons, bodies politic or corporate, have had or obtained by the assent, licence, confirmation, grant, or letters patent of the said late king, or of the king's majesty that now is, nor shall extend to any manors, lands, tenements, revenues, possessions, hereditaments, or other thing or things mentioned, expressed, or contained in any such licence, confirmation, grant, or letters patent: but that every such person and persons, bodies politic and corporate, their heirs, successors, and assigns, and the heirs, successors, and assigns of every of them, shall have, hold, and enjoy all and every the same colleges, chapels, chantries, manors, lands, tenements, revenues, possessions, and hereditaments, and all and every other thing and things whatsoever so by them had or obtained by the assent, licence, confirmation, grant, or letters patent of the said late king, or of the king's majesty that now is, according to the words, sentences, form, effect, meaning, and intent of the same licences, confirmations, grants, and letters patent; this Act, or the said Act made in the said thirty-seventh year of the reign of the said late King Henry VIII, or any clause, article, sentence, matter, or thing mentioned, expressed, or contained in any of the same Acts to the contrary thereof in any wise notwithstanding. 1547.

LXIX.

THE FIRST EDWARDINE ACT OF UNIFORMITY, A.D. 1549.

2 & 3 EDWARD VI, CAP. 1.

1549. THE following Act was passed January 21, 1549. The subsequent editions of the Prayer-book were established by the Acts 5 & 6 Edward VI, cap. 1 (*post*, No. LXXI); 1 Elizabeth, cap. 2 (*post*, No. LXXX); a Proclamation of James I (*post*, No. LXXXIX); and by 14 Charles II, cap. 4 (*post*, No. CXVII). Both the Edwardine Acts were, of course, included in Mary's first Act of repeal (*post*, No. LXXIII).

[Transcr. Statutes of the Realm, iv. 37.]

Divers 'uses,' or forms, of prayer in England and Wales.

Where of long time there has been had in this realm of England and in Wales divers forms of common prayer, commonly called the service of the Church; that is to say, the Use of Sarum, of York, of Bangor, and of Lincoln; and besides the same now of late much more divers and sundry forms and fashions have been used in the cathedral and parish churches of England and Wales, as well concerning the Matins or Morning Prayer and the Evensong, as also concerning the Holy Communion, commonly called the Mass, with divers and sundry rites and ceremonies concerning the same, and in the administration of other sacraments of the Church: and as the doers and executors of the said rites and ceremonies, in other form than of late years they have been used, were pleased therewith, so other, not using the same rites and ceremonies, were thereby greatly offended.

Inconveniences therefrom.

Failure of endeavours to check innovations or new rites.

And albeit the king's majesty, with the advice of his most entirely beloved uncle the lord protector and other of his highness's council, has heretofore divers times essayed to stay innovations or new rites concerning the premises; yet

the same has not had such good success as his highness required in that behalf: 1549.

Whereupon his highness by the most prudent advice aforesaid, being pleased to bear with the frailty and weakness of his subjects in that behalf, of his great clemency has not been only content to abstain from punishment of those that have offended in that behalf, for that his highness taketh that they did it of a good zeal; but also to the intent a uniform quiet and godly order should be had concerning the premises, has appointed the Archbishop of Canterbury, and certain of the most learned and discreet bishops, and other learned men of this realm, to consider and ponder the premises; and thereupon having as well eye and respect to the most sincere and pure Christian religion taught by the Scripture, as to the usages in the primitive Church, should draw and make one convenient and meet order, rite, and fashion of common and open prayer and administration of the sacraments, to be had and used in his majesty's realm of England and in Wales; the which at this time, by the aid of the Holy Ghost, with one uniform agreement is of them concluded, set forth, and delivered to his highness, to his great comfort and quietness of mind, in a book entitled, The Book of the Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, after the use of the Church of England:

The king, content to abstain from punishing innovators, appointed a commission to consider the premises, and to draw up one uniform order of Common Prayer.

Their conclusions embodied in the Book of Common Prayer.

Wherefore the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, considering as well the most godly travail of the king's highness, of the lord protector, and of other his highness's council, in gathering and collecting the said archbishop, bishops, and learned men together, as the godly prayers, orders, rites, and ceremonies in the said book mentioned, and the considerations of altering those things which be altered and retaining those things which be retained in the said book,

Parliament thanks the king for the same; prays that past offenders as to the same, other than those now at the Tower or in the

1549. but also the honour of God and great quietness, which by
Fleet, may be pardoned, the grace of God shall ensue upon the one and uniform rite and order in such common prayer and rites and external ceremonies to be used throughout England and in Wales, at Calais and the marches of the same, do give to his highness most hearty and lowly thanks for the same; and humbly pray, that it may be ordained and enacted by his majesty, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, that all and singular person and persons that have offended concerning the premises, other than such person and persons as now be and remain in ward in the Tower of London, or in the Fleet, may be pardoned thereof;

and that the use of the said book may be enjoined throughout the realm. and that all and singular ministers in any cathedral or parish church or other place within this realm of England, Wales, Calais, and the marches of the same, or other the king's dominions, shall, from and after the feast of Pentecost next coming, be bound to say and use the Matins, Evensong, celebration of the Lord's Supper, commonly called the Mass, and administration of each of the sacraments, and all their common and open prayer, in such order and form as is mentioned in the said book, and none other or otherwise.

Any not using it and other rites and ceremonies according to the use of the Church of England, And albeit that the same be so godly and good, that they give occasion to every honest and conformable man most willingly to embrace them, yet lest any obstinate person who willingly would disturb so godly order and quiet in this realm should not go unpunished, that it may also be ordained and enacted by the authority aforesaid, that if any manner of parson, vicar, or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, shall after the said feast of Pentecost next coming refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church or other places as he should use

or minister the same, in such order and form as they be mentioned and set forth in the said book; or shall use, wilfully and obstinately standing in the same, any other rite, ceremony, order, form, or manner of Mass openly or privily, or Matins, Evensong, administration of the sacraments, or other open prayer than is mentioned and set forth in the said book (open prayer in and throughout this Act, is meant that prayer which is for other to come unto or hear either in common churches or private chapels or oratories, commonly called the service of the Church); or shall preach, declare, or speak anything in the derogation or depraving of the said book, or anything therein contained, or of any part thereof; and shall be thereof lawfully convicted according to the laws of this realm, by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact:—shall lose and forfeit to the king's highness, his heirs and successors, for his first offence, the profit of such one of his spiritual benefices or promotions as it shall please the king's highness to assign or appoint, coming and arising in one whole year next after his conviction: and also that the same person so convicted shall for the same offence suffer imprisonment by the space of six months, without bail or mainprize: and if any such person once convicted of any offence concerning the premises, shall after his first conviction again offend and be thereof in form aforesaid lawfully convicted, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, and also shall therefore be deprived *ipso facto* of all his spiritual promotions; and that it shall be lawful to all patrons, donors, and grantees of all and singular the same spiritual promotions, to present to the same any other able clerk, in like manner and form as though the party so offending were dead: and that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend

1549.

or using any other manner of prayer,

or depraving the said book shall suffer as follows:

Penalty for the first offence;

for the second offence.

1549. against any of the premises the third time, and shall be thereof in form aforesaid lawfully convicted, that then the person so offending and convicted the third time shall suffer imprisonment during his life.

for the third offence.

Penalties in the case of unbeneficed persons.

And if the person that shall offend and be convicted in form aforesaid concerning any of the premises, shall not be beneficed nor have any spiritual promotion, that then the same person so offending and convicted shall for the first offence suffer imprisonment during six months, without bail or mainprize: and if any such person not having any spiritual promotion, after his first conviction shall again offend in anything concerning the premises, and shall in form aforesaid be thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

Penalties for speaking against the said book in plays, songs, or open words :—

And it is ordained and enacted by the authority abovesaid, that if any person or persons whatsoever, after the said feast of Pentecost next coming, shall in any interludes, plays, songs, rhymes, or by other open words declare or speak anything in the derogation, depraving, or despising of the same book or of anything therein contained, or any part thereof; or shall by open fact, deed, or by open threatenings, compel or cause, or otherwise procure or maintain any parson, vicar, or other minister in any cathedral or parish church, or in any chapel or other place, to sing or say any common and open prayer, or to minister any sacrament otherwise or in any other manner or form than is mentioned in the said book; or that by any of the said means shall unlawfully interrupt or let any parson, vicar, or other ministers in any cathedral or parish church, chapel, or any other place, to sing or say common and open prayer, or to minister the sacraments, or any of them, in any such manner and form as is mentioned in the said book; that then every person being thereof lawfully convicted in form abovesaid, shall forfeit to the king our sovereign lord, his

for the first offence;

heirs and successors, for the first offence ten pounds. 1549.
And if any person or persons, being once convicted of any such offence, again offend against any of the premises, and shall in form aforesaid be thereof lawfully convicted, that then the same persons so offending and convicted shall for the second offence forfeit to the king our sovereign lord, his heirs and successors, twenty pounds; and if any person after he, in form aforesaid, shall have been twice convicted of any offence concerning any of the premises, shall offend the third time, and be thereof in form abovesaid lawfully convicted, that then every person so offending and convicted shall for his third offence forfeit to our sovereign lord the king all his goods and chattels, and shall suffer imprisonment during his life: and if any person or persons, that for his first offence concerning the premises shall be convicted in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his conviction, that then every person so convicted, and so not paying the same, shall for the same first offence, instead of the said ten pounds, suffer imprisonment by the space of three months without bail or mainprize. And if any person or persons, that for his second offence concerning the premises shall be convicted in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his said second conviction, that then every person so convicted, and not so paying the same, shall for the same second offence, instead of the said twenty pounds, suffer imprisonment during six months without bail or mainprize.

for the second offence;

for the third offence.

Penalties for default in payment of fines.

And it is ordained and enacted by the authority aforesaid, that all and every justices of *oyer* and *terminer*, or justices of assize, shall have full power and authority in every of their open and general sessions to inquire, hear, and determine all and all manner of offences that shall be com-

Justices of *oyer* and *terminer* shall try cases under this Act.

1549. mitted or done contrary to any article contained in this present Act, within the limits of the commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

The archbishops and bishops may, at their pleasures, sit with the said justices.

Provided always, and be it enacted by the authority aforesaid, that all and every archbishop and bishop shall or may at all time and times at his liberty and pleasure join and associate himself, by virtue of this Act, to the said justices of *oyer* and *terminer*, or to the said justices of assize, at every of the said open and general sessions to be holden in any place within his diocese, for and to the inquiry, hearing, and determining of the offences aforesaid.

Proviso for private use of prayers in foreign tongues.

Provided always, that it shall be lawful to any man that understands the Greek, Latin, and Hebrew tongue, or other strange tongue, to say and have the said prayers, heretofore specified, of Matins and Evensong in Latin, or any such other tongue, saying the same privately, as they do understand.

And to encourage learning they may be so said openly in college chapels, Mass only excepted.

And for the further encouraging of learning in the tongues in the Universities of Cambridge and Oxford, to use and exercise in their common and open prayer in their chapels (being no parish churches) or other places of prayer, the Matins, Evensong, Litany, and all other prayers (the Holy Communion, commonly called the Mass, excepted) prescribed in the said book, prescribed[1] in Greek, Latin, or Hebrew; anything in this present Act to the contrary notwithstanding.

Occasional psalm or prayer 'taken out of the Bible' legal.

Provided also, that it shall be lawful for all men, as well in churches, chapels, oratories, or other places, to use openly any psalm or prayer taken out of the Bible, at any due time, not letting or omitting thereby the service or any part thereof mentioned in the said book.

Provided also, and be it enacted by the authority afore-

[1] The word 'prescribed' is here evidently repeated in error.

said, that the books concerning the said services shall at the costs and charges of the parishioners of every parish and cathedral church be attained and gotten before the feast of Pentecost next following, or before; and that all such parish and cathedral churches, or other places where the said books shall be attained and gotten before the said feast of Pentecost, shall within three weeks next after the said books so attained and gotten use the said service, and put the same in ure according to this Act. 1549. When the said books shall be gotten, and at whose expense.

And be it further enacted by the authority aforesaid, that no person or persons shall be at any time hereafter impeached or otherwise molested of or for any of the offences above mentioned, hereafter to be committed or done contrary to this Act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such justices of *oyer* and *terminer*, or justices of assize, next after any offence committed or done contrary to the tenor of this Act. Method of indictment of offenders.

Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular lords in the Parliament, for the third offence above mentioned, shall be tried by their peers. Peers to be tried for a third offence by peers.

Provided also, and be it ordained and enacted by the authority aforesaid, that the Mayor of London, and all other mayors, bailiffs, and other head officers of all and singular cities, boroughs, and towns corporate within this realm, Wales, Calais, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this Act to inquire, hear, and determine the offences abovesaid, and every of them yearly, within fifteen days after the feast of Easter and St. Michael the Archangel, in like manner and form as justices of assize and *oyer* and *terminer* may do. Chief officers of cities, &c., not commonly visited by justices of assize, have power as said justices.

Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular archbishops and Power of the ecclesiastical

1549. courts to take cognizance of and punish offences under this Act.

bishops, and every of their chancellors, commissaries, archdeacons, and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by virtue of this Act, as well to inquire in their visitations, synods, and elsewhere within their jurisdiction, [or] at any other time or place, to take accusations and informations of all and every the things above mentioned, done, committed, or perpetrated, within the limits of their jurisdiction and authority, and to punish the same by admonition, excommunication, sequestration, or deprivation, and other censures and process, in like form as heretofore has been used in like cases by the king's ecclesiastical laws.

The same person shall not be punished by both tribunals for the same offence.

Provided always, and be it enacted, that whatsoever person offending in the premises shall for the first offence receive punishment of the ordinary, having a testimonial thereof under the said ordinary's seal, shall not for the same offence again be summoned before the justices; and likewise receiving for the said first offence punishment by the justices, he shall not for the same offence again receive punishment of the ordinary; anything contained in this Act to the contrary notwithstanding.

LXX.

MARRIAGE OF PRIESTS LEGALIZED, A.D. 1549.

2 & 3 EDWARD VI, CAP. 21.

1549. CONVOCATION, in December, 1547, had sanctioned the marriage of priests. The following Act was passed at the beginning of 1549; it was repealed by Mary's first repealing statute (*post*, No. LXXIII), but, unlike most other ecclesiastical enactments of the latter part of Henry VIII's reign and of the reign of Edward VI, it was not re-enacted by Elizabeth; she, however, regulated clerical marriage by

the second of her Injunctions of 1559. The provisions of Edward VI's Act were made perpetual by 1 James I, cap. 25, sec. 50. An Act legitimatizing priests' children was passed in 1552 (5 & 6 Edw. VI, cap. 12). 1549.

[Transcr. Statutes of the Realm, iv. pt. 1. p. 67.]

Although it were not only better for the estimation of priests, and other ministers in the Church of God, to live chaste, sole, and separate from the company of women and the bond of marriage, but also thereby they might the better intend to the administration of the gospel, and be less intricated and troubled with the charge of household, being free and unburdened from the care and cost of finding wife and children, and that it were most to be wished that they would willingly and of their selves endeavour themselves to a perpetual chastity and abstinence from the use of women: Celibacy better for the priesthood,

Yet forasmuch as the contrary has rather been seen, and such uncleanness of living, and other great inconveniences, not meet to be rehearsed, have followed of compelled chastity, and of such laws as have prohibited those (such persons) the godly use of marriage; it were better and rather to be suffered in the commonwealth, that those which could not contain, should, after the counsel of Scripture, live in holy marriage, than feignedly abuse with worse enormity outward chastity or single life: but not found to answer in practice.

Be it therefore enacted by our sovereign lord the king, with the assent of the Lords spiritual and temporal, and the Commons in this present Parliament assembled, and by the authority of the same, that all and every law and laws positive, canons, constitutions, and ordinances heretofore made by the authority of man only, which do prohibit or forbid marriage to any ecclesiastical or spiritual person or persons, of what estate, condition, or degree they be, or by what name or names soever they be called, which by God's law may lawfully marry, in all and every article, branch, and All positive laws prohibiting the marriage of ecclesiastics declared void.

1549. sentence, concerning only the prohibition for the marriage of the persons aforesaid, shall be utterly void and of none effect; and that all manner of forfeitures, pains, penalties, crimes, or actions which were in the said laws contained, and the same did follow, concerning the prohibition for the marriage of the persons aforesaid, be clearly and utterly void, frustrate, and of none effect, to all intents, constructions, and purposes, as well concerning marriages heretofore made by any of the ecclesiastical or spiritual persons aforesaid, as also such which hereafter shall be duly and lawfully had, celebrated, and made, betwixt the persons which by the laws of God may lawfully marry.

No marriage to be informally celebrated.

Provided alway, and be it enacted by the authority aforesaid, that this Act, or anything therein contained, shall not extend to give any liberty to any person to marry without asking in the church, or without any other ceremony being appointed by the order prescribed and set forth in the book entitled, The Book of Common Prayer and Administration of the Sacraments, anything above mentioned to the contrary in any wise notwithstanding.

Divorces, heretofore made, to stand.

Provided also, and be it enacted by the authority aforesaid, that this Act, or anything therein contained, shall not extend to alter, change, revoke, repeal, or otherwise to disannul any decree, judgment, sentence, or divorce heretofore had or made, but that all and every such decree, judgment, sentence, and divorce shall remain and be of such like force, effect, strength, and degree, to all intents, constructions, and purposes, as they were in before the making of this Act, and as though this Act had never been had nor made; this Act, or anything therein contained to the contrary, in any wise notwithstanding.

LXXI.

THE SECOND EDWARDINE ACT OF UNIFORMITY, A. D. 1552.

5 & 6 EDWARD VI, CAP. 1.

SEE introduction, *ante*, No. LXIX. 1552.

[Transcr. Statutes of the Realm, iv. pt. i. p. 130.]

Where there has been a very godly order set forth by the authority of Parliament, for common prayer and administration of the sacraments to be used in the mother tongue within the Church of England, agreeable to the word of God and the primitive Church, very comfortable to all good people desiring to live in Christian conversation, and most profitable to the estate of this realm, upon the which the mercy, favour, and blessing of Almighty God is in no wise so readily and plenteously poured as by common prayers, due using of the sacraments, and often preaching of [the] gospel, with the devotion of the hearers: Recital of the objects of the previous Act of Uniformity, *vide* Document No. LXIX.

And yet this notwithstanding, a great number of people in divers parts of this realm, following their own sensuality, and living either without knowledge or due fear of God, do wilfully and damnably before Almighty God abstain and refuse to come to their parish churches and other places where common prayer, administration of the sacraments, and preaching of the word of God, is used upon the Sundays, and other days ordained to be holy days. Despite this Act, divers persons absent themselves from church.

For reformation hereof, be it enacted by the king our sovereign lord, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, that from and after the feast of All Saints next coming, all and every person and persons inhabiting within this realm, or any other the king's majesty's dominions, shall All persons to resort to services on Sundays and holy days

1552. diligently and faithfully (having no lawful or reasonable excuse to be absent) endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every Sunday, and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preachings, or other service of God there to be used and ministered, upon pain of punishment by the censures of the Church.

under pain of ecclesiastical censure.

Ecclesiastical authorities charged with the due execution of this Act;

And for the due execution hereof, the king's most excellent majesty, the Lords temporal, and all the Commons in this present [Parliament] assembled, do in God's name earnestly require and charge all the archbishops, bishops, and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledge, that the due and true execution thereof may be had throughout their dioceses and charges, as they will answer before God for such evils and plagues wherewith Almighty God may justly punish His people for neglecting this good and wholesome law.

and, by force thereof, directed to punish those offending.

And for their authority in this behalf, be it further likewise enacted by the authority aforesaid, that all and singular the same archbishops, bishops, and all other their officers exercising ecclesiastical jurisdiction, as well in place exempt as not exempt, within their dioceses, shall have full power and authority by this Act to reform, correct, and punish by censures of the Church, all and singular persons which shall offend, within any their jurisdictions or dioceses, after the said feast of All Saints next coming, against this Act and statute; any other law, statute, privilege, liberty, or provision heretofore made, had, or suffered to the contrary notwithstanding.

Doubts have arisen as to the church service.

And because there has arisen in the use and exercise of the aforesaid common service in the church, heretofore set forth, divers doubts for the fashion and manner of the

ministration of same, rather by the curiosity of the minister, and mistakers, than of any other worthy cause: 1552.

Therefore, as well for the more plain and manifest explanation hereof, as for the more perfection of the said order of common service, in some places where it is necessary to make the same prayers and fashion of service more earnest and fit to stir Christian people to the true honouring of Almighty God, the king's most excellent majesty, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, has caused the aforesaid order of common service, entitled, The Book of Common Prayer, to be faithfully and godly perused, explained, and made fully perfect, and by the aforesaid authority has annexed and joined it, so explained and perfected, to this present statute: adding also a form and manner of making and consecrating archbishops, bishops, priests, and deacons, to be of like force, authority, and value as the same like foresaid book, entitled, The Book of Common Prayer, was before, and to be accepted, received, used, and esteemed in like sort and manner, and with the same clauses of provisions and exceptions, to all intents, constructions, and purposes, as by the Act of Parliament made in the second year of the king's majesty's reign was ordained and limited, expressed and appointed for the uniformity of service and administration of the sacraments throughout the realm, upon such several pains as in the said Act of Parliament is expressed.

The Book of Common Prayer is therefore explained, and annexed, so explained, to this Act,

a form of consecration of ecclesiastical persons being added.

And the said former Act to stand in full force and strength, to all intents and constructions, and to be applied, practised, and put in ure, to and for the establishing of the Book of Common Prayer now explained and hereunto annexed, and also the said form of making of archbishops, bishops, priests, and deacons hereunto annexed, as it was for the former book.

The former Act to stand in full force.

And by the authority aforesaid it is now further enacted,

1552. Penalties for being present at any other form of service.

that if any manner of person or persons inhabiting and being within this realm, or any other the king's majesty's dominions, shall after the said feast of All Saints willingly and wittingly hear and be present at any other manner or form of common prayer, of administration of the sacraments, of making of ministers in the churches, or of any other rites contained in the book annexed to this Act, than is mentioned and set forth in the said book, or that is contrary to the form of sundry provisions and exceptions contained in the foresaid former statute, and shall be thereof convicted according to the laws of this realm, before the justices of assize, justices of *oyer* and *terminer*, justices of peace in their sessions, or any of them, by the verdict of twelve men, or by his or their own confession or otherwise, shall for the first offence suffer imprisonment for six months, without bail or mainprize; and for the second offence, being likewise convicted as is abovesaid, imprisonment for one whole year; and for the third offence in like manner, imprisonment during his or their lives.

This Act to be read and explained in church.

And for the more knowledge to be given hereof, and better observation of this law, be it enacted by the authority aforesaid, that all and singular curates shall upon one Sunday every quarter of the year during one whole year next following the foresaid feast of All Saints next coming, read this present Act in the church at the time of the most assembly, and likewise once in every year following; at the same time declaring unto the people, by the authority of the Scripture, how the mercy and goodness of God has in all ages been showed to His people in their necessities and extremities, by means of hearty and faithful prayers made to Almighty God, especially where people be gathered together with one faith and mind, to offer up their hearts by prayer, as the best sacrifices that Christian men can yield.

LXXII.

QUEEN MARY'S FIRST PROCLAMATION ABOUT RELIGION, A.D. 1553.

MARY succeeded to the throne July 6, 1553. The proclamation which follows was published August 18. A draft of this proclamation exists at the Public Record Office (*S. P. Dom. Mary*, i. No. 7), which contains many verbal differences; the two most material are indicated in the foot-notes. The queen was crowned October 1, and Parliament met four days later. 1553.

[Transcr. Bonner's *Register*, f. 402.]

The queen's highness well remembering what great inconvenience and dangers have grown to this her highness's realm in times past through the diversity of opinions in questions of religion, and hearing also that now of late, since the beginning of her most gracious reign, the same contentions be again much renewed, through certain false and untrue reports and rumours spread by some light and evil-disposed persons, has thought good to do to understand to all her highness's most loving and obedient subjects her most gracious pleasure in manner and form following. The evils of past and present religious diversity suggest that:

First, her majesty being presently by the only goodness of God settled in her just possession of the imperial crown of this realm, and other dominions thereunto belonging, cannot now hide[1] that religion, which God and the world know she has ever professed from her infancy hitherto; which as her majesty is minded to observe and maintain for herself by God's grace during her time, so doth her highness much desire, and would be glad[1], the same were of all her subjects quietly and charitably embraced. 1. The queen is, and would wish her subjects to be, of the old religion.

[1] The draft runs: 'that which God and the world know how she and her father of famous memory, her grandfather and all her progenitors, kings of this realm, with all their subjects, have ever lived like

1553.

2. Religious compulsion will not be used at present, but strife and contention are forbidden, whilst peace and godliness are to be cultivated.

And yet she doth signify unto all her majesty's loving subjects, that of her most gracious disposition and clemency, her highness minds not to compel any her said subjects[1] thereunto, unto such time as further order, by common assent, may be taken therein[1]; forbidding nevertheless all her subjects of all degrees, at their perils, to move seditions or stir unquietness in her people, by interrupting the laws of this realm after their brains and fancies, but quietly to continue for the time till (as before is said) further order may be taken; and therefore wills and straitly charges and commands all her said good loving subjects to live together in quiet sort and Christian charity, leaving those new-found devilish terms of papist or heretic and such like, and applying their whole care, study, and travail to live in the fear of God, exercising their conversations in such charitable and godly doing, as their lives may indeed express that great hunger and thirst of God's glory and holy word, which by rash talk and words many have pretended; and in so doing as they shall best please God and live without dangers of the laws, and maintain the tranquillity of the realm, whereof her highness shall be most glad, so if any man shall rashly presume to make any assemblies of people, or at any public assemblies or otherwise shall go about to stir the people to disorder or disquiet, she minds, according to her duty, to see the same most severely reformed and punished, according to her highness's laws.

Christian princes, both truly following, themselves, and maintaining their subjects in Christ's true religion, and ended their lives therein, like as her majesty, by God's grace, is minded to observe and maintain the same for her time, as all Christian princes ought to do; and therefore would be glad,' &c.

[1] The draft runs: 'to break any laws of this realm, heretofore made and yet standing in force, concerning God's service in churches, but to permit all men that will to use—by her sufferance, in quietness, unto such time as further order shall be taken therein—the service of God, agreeable to God's word and the primitive Church.'

1553.

3. Irregular preaching and unlicensed printing, &c., are prohibited under penalty,

And furthermore, forasmuch also as it is well known that seditions and false rumours have been nourished and maintained in this realm by the subtlety and malice of some evil-disposed persons, which take upon them, without sufficient authority, to preach and interpret the word of God after their own brain in churches and other places, both public and private, and also by playing of interludes, and printing of false fond books and ballads, rhymes, and other lewd treatises in the English tongue, concerning doctrine in matters now in question and controversy touching the high points and mysteries of Christian religion, which books, ballads, rhymes, and treatises are chiefly by the printers and stationers set out to sale to her grace's subjects, of an evil zeal for lucre, and covetous of vile gain; her highness therefore straitly charges and commands all and every of her said subjects, of whatsoever state, condition, or degree they be, that none of them presume from henceforth to preach, or by way of reading in churches or other public or private places, except in the schools of the University, to interpret or teach any Scriptures or any manner points of doctrine concerning religion; neither also to print any book, matter, ballad, rhyme, interlude, process, or treatise, nor to play any interlude, except they have her grace's special licence in writing for the same, upon pain to incur her highness's indignation and displeasure. And her highness also further straitly charges and commands all and every her said subjects, that none of them of their own private authority do presume to punish or to rise against any offender in the causes abovesaid, or any other offender in words and deeds in the late rebellion committed or done by the Duke of Northumberland or his accomplices, or to seize any of their goods, or violently to use any such offender by striking or imprisoning or threatening the same; but wholly to reserve the punishment of all such offenders unto her highness and public authority, whereof her majesty

and no unauthorized punishment of offenders or rebels is to take place;

1553. minds to see due punishment according to the order of her highness's laws. Nevertheless, as her highness minds not hereby to restrain and discourage any of her loving subjects to give from time to time true information against any such offenders in the causes abovesaid unto her grace or her council, for the punishment of every such offender, according to the effect of her highness's laws provided in that part; so her said highness exhorts and straitly charges her said subjects to observe her commandment and pleasure in every part aforesaid, as they will avoid her highness's said indignation and most grievous displeasure. The severity and rigour whereof, as her highness shall be most sorry to have cause to put the same in execution, so does she utterly determine not to permit such unlawful and rebellious doings of her subjects, whereof may ensue the danger of her royal estate, to remain unpunished; but to see her said laws touching these points to be thoroughly executed, which extremities she trusts all her said loving subjects will foresee, dread, and avoid; accordingly her said highness straitly charging and commanding all mayors, sheriffs, justices of peace, bailiffs, constables, and all other public officers and ministers diligently to see to the observing and executing of her said commandments and pleasure, and to apprehend all such as shall willingly offend in this part, committing the same to the next gaol, there to remain without bail or mainprize, till upon certificate made to her highness or her privy council of their names and doings, and upon examination had of their offences, some further order shall be taken for their punishment to the example of others, according to the effect and tenor of the laws aforesaid. Given at our manor of Richmond, the 18th day of August, in the first year of our most prosperous reign. God save the Queen.

yet information may be laid, and the law will if necessary be put in execution by the proper officers.

LXXIII.

MARY'S FIRST ACT OF REPEAL, A.D. 1553.

1 MARY, STATUTE 2, CAP. 2.

1553. MARY'S first Act of repeal was passed in the autumn of 1553. It abolished nine Acts concerning the Church passed in the reign of Edward VI. This Act restored the *status quo* at the death of Henry VIII in 1547. The *status quo* of 1529 was restored by Mary's second Act of repeal, passed after her marriage with Philip (see *post*, No. LXXVI).

[Transcr. Statutes of the Realm, iv. pt. i. p. 202.]

Recent innovations in the service. Forasmuch as by divers and several Acts hereafter mentioned, as well the divine service and good administration of the sacraments, as divers other matters of religion, which we and our forefathers found in this Church of England, to us left by the authority of the Catholic Church, be partly altered and in some part taken from us, and in place thereof new things imagined and set forth by the said Acts, such as a few of singularity have of themselves devised,

Diversity of opinions and sects have arisen. whereof has ensued amongst us, in very short time, numbers of diverse and strange opinions and diversities of sects, and thereby grown great unquietness and much discord, to the great disturbance of the commonwealth of this realm, and in very short time like to grow to extreme peril and utter confusion of the same, unless some remedy be in that behalf provided, which thing all true, loving, and obedient subjects ought and are bound to foresee and provide, to the uttermost of their power. In consideration whereof,

Repeal of certain Acts:— be it enacted and established by the queen's highness, the Lords spiritual and temporal, and the Commons in this same present Parliament assembled, and by the authority of the same, that an Act made in the Parliament begun at

1553. Westminster the fourth day of November in the first year of the reign of the late King Edward VI, and from thence continued to the twenty-fourth day of December then next ensuing, that is to say, in the first session of the same Parliament, entitled, An Act against such Persons as should irreverently speak against the Sacrament of the Body and Blood of Christ, commonly called the Sacrament of the Altar, and for the receiving thereof in both kinds; and also one other Act in the same session, which is entitled, An Act for the Election of Bishops, and what Seals and Styles they and other spiritual Persons exercising Jurisdiction ecclesiastical should use; and also one other Act made in one other session of the said Parliament holden upon prorogation at Westminster the fourth day of November in the second year of the reign of the said late King Edward VI, and there continued and kept to the fourteenth day of March in the third year of the said late king's reign, entitled, An Act for the Uniformity of Service and Administration of the Sacraments throughout the Realm; and also one other Act made in the session last before [named], which is entitled, An Act to take away all positive Laws made against the Marriage of Priests; and also one other Act made in one other session of the said Parliament holden upon prorogation at Westminster the fourth day of November in the third year of the reign of the said late King Edward VI, and there continued and kept to the first day of February in the fourth year of his reign, entitled, An Act for the abolishing and putting away of divers Books and Images; and also one other Act made in the same session last before mentioned, entitled, An Act made for the ordering of the ecclesiastical Ministers; and also one other Act made in one other session of the said Parliament holden upon prorogation at Westminster the twenty-third day of January in the fifth year of the reign of the said late King Edward VI, and there continued and kept till the fifteenth day of April in the sixth

1 Edw. VI, c. 1, *vide* Document No. LXVII.

1 Edw. VI, c. 2.

2 & 3 Edw. VI, c. 1, *vide* Document No. LXIX.

2 & 3 Edw. VI, c. 21, *vide* Document No. LXX.

3 & 4 Edw. VI, c. 10.

3 & 4 Edw. VI, c. 12.

year of the reign of the said late king, entitled, An Act for the Uniformity of Common Prayer and the Administration of the Sacraments; and one other Act made in the same last session, entitled, An Act for the Keeping of Holy Days and Fasting Days; and one other Act made in the session last recited, entitled, An Act made for the Declaration of a Statute made for the Marriage of Priests and for the Legitimation of their Children; and every clause, sentence, branch, article, and articles mentioned, expressed, or contained in the said statutes and every of them shall be from henceforth utterly repealed, void, annihilated, and of none effect, to all purposes, constructions, and intents; any thing or things contained or specified in the said statutes or any of them to the contrary in any wise notwithstanding. 1553. 5 & 6 Edw. VI, c. 1, *vide* Document No. LXXI. 5 & 6 Edw. VI, c. 3. 5 & 6 Edw VI, c. 12.

And be it further enacted by the authority aforesaid, that all such divine service and administration of sacraments as were most commonly used in the realm of England in the last year of the reign of our late sovereign lord King Henry VIII shall be, from and after the twentieth day of December in this present year of our Lord God 1553, used and frequented throughout the whole realm of England and all other the queen's majesty's dominions; and that no other kind nor order of divine service nor administration of sacraments be, after the said twentieth day of December, used or ministered in any other manner, form, or degree within the said realm of England, or other the queen's dominions, than was most commonly used, ministered, and frequented in the said last year of the reign of the said late King Henry VIII. Divine service to be used after Dec. 20, 1553, as in last year of Hen. VIII.

And be it further enacted by the authority aforesaid, that no person shall be impeached or molested in body or goods for using heretofore, or until the said twentieth day of December, the divine service mentioned in the said Acts or any of them, nor for the using of the old divine service Permission to use a reformed or the old service till Act comes into force.

1553. and administration of sacraments, in such manner and form as was used in the Church of England before the making of any of the said Acts.

LXXIV.

THE INJUNCTIONS OF QUEEN MARY, A. D. 1554.

1554. These Injunctions were sent by the queen to the bishops, accompanied by a letter directing their enforcement bearing date March 4, 1554. With regard to the celibacy of the clergy, Bonner had anticipated the action prescribed in the Injunctions, and this may suggest that as the Archbishop of Canterbury was in prison, Bonner is responsible for the composition of the document.

[Transcr. Bonner's *Register*, f. 342 b.]

1. All canons not contrary to statute law to be enforced.

1. That every bishop and his officers, with all other having ecclesiastical jurisdiction, shall with all speed and diligence, and all manner of ways to them possible, put in execution all such canons and ecclesiastical laws heretofore in the time of King Henry VIII used within this realm of England, and the dominions of the same, not being direct and expressly contrary to the laws and statutes of this realm.

2. No bishop to style himself *regia auctoritate fulcitus.*

2. Item, that no bishop, or any his officer, or other person aforesaid, hereafter in any of their ecclesiastical writings in process, or other extra-judicial acts, do use to put in this clause or sentence : '*Regia auctoritate fulcitus.*'

3. No oath of supremacy to be demanded of ecclesiastics.

3. Item, that no bishop, or any his officers, or other person aforesaid, do hereafter exact or demand in the admission of any person to any ecclesiastical promotion, order, or office, any oath touching the primacy or succession, as of late, in few years past, has been accustomed and used.

4. No sacramentaries to be beneficed.

4. Item, that every bishop and his officers, with all other persons aforesaid, have a vigilant eye, and use special diligence and foresight, that no person be admitted or received

to any ecclesiastical function, benefice, or office, being a sacramentary, infected or defamed with any notable kind of heresy or other great crime; and that the said bishop do stay, and cause to be stayed, as much as lieth in him, that benefices and ecclesiastical promotions do not notably decay, or take hindrance, by passing or confirming of unreasonable leases. 1554. No undue leases to be made.

5. Item, that every bishop, and all other persons aforesaid, do diligently travail for the repressing of heresies and notable crimes, especially in the clergy, duly correcting and punishing the same. 5. Clerical discipline to be enforced.

6. Item, that every bishop, and all other persons aforesaid, do likewise travail for the condemning and repressing of corrupt and naughty opinions, unlawful books, ballads, and other pernicious and hurtful devices, engendering hatred among the people, and discord among the same; and that schoolmasters, preachers, and teachers do exercise and use their offices and duties without teaching, preaching, or setting forth any evil or corrupt doctrine; and that, doing the contrary, they may be, by the bishop and his said officers, punished and removed. 6. Evil books to be suppressed.

7. Item, that every bishop, and all the other persons aforesaid, proceeding summarily, and with all celerity and speed, may and shall deprive, or declare deprived, and amove, according to their learning and discretion, all such persons from their benefices and ecclesiastical promotions, who, contrary to the state of their order and the laudable custom of the Church, have married and used women as their wives, or otherwise notably and slanderously disordered or abused themselves; sequestering also, during the said process, the fruits and profits of the said benefices and ecclesiastical promotions. 7. Married priests to be removed

8. Item, that the said bishop, and all other persons aforesaid, do use more lenity and clemency with such as have married, whose wives be dead, than with others, whose 8. Clerical widowers, and such as separate

1554. with the wife's consent, to be pardoned after penance.

women do yet remain in life; and likewise such priests as, with the consents of their wives or women, openly in the presence of the bishop, do profess to abstain, to be used the more favourably: in which case, after penance effectually done, the bishop, according to his discretion and wisdom, may, upon just consideration, receive and admit them again to their former administration, so it be not in the same place; appointing them such a portion to live upon, to be paid out of their benefice, whereof they be deprived, by discretion of the said bishop, or his officers, as they shall think may be spared of the said benefice.

9. Married priests or 'vowed persons' to be divorced.

9. Item, that every bishop, and all persons aforesaid, do foresee that they suffer not any religious man, having solemnly professed chastity, to continue with his woman or wife; but that all such persons, after deprivation of their benefice or ecclesiastical promotion, be also divorced every one from his said woman, and due punishment otherwise taken for the offence therein.

10. Neighbouring priests to officiate in vacant parishes.

10. Item that every bishop, and all other persons aforesaid, do take order and direction, with the parishioners of every benefice, where priests do want, to repair to the next parish for divine service; or to appoint for a convenient time, till other better provision may be made, one curate to serve *alternis vicibus* in divers parishes, and to allot to the said curate for his labour some portion of the benefice that he so serves.

11. Revival of Latin processions.

11. Item, that all and all manner of processions of the Church be used, frequented, and continued after the old order of the Church, in the Latin tongue.

12. Holy days to be restored.

12. Item, that all such holy days and fasting days be observed and kept, as was observed and kept in the latter time of King Henry VIII.

13. Ceremonies to be restored.

13. Item, that the laudable and honest ceremonies which were wont to be used, frequented, and observed in the Church, be also hereafter frequented, used, and observed.

1554.

14. Item, that children be christened by the priest, and confirmed by the bishops, as heretofore hath been accustomed and used. 14. Christening and confirmation.

15. Item, touching such persons as were heretofore promoted to any orders after the new sort and fashion of order, considering they were not ordered in very deed, the bishop of the diocese finding otherwise sufficiency and ability in those men, may supply that thing which wanted in them before; and then, according to his discretion, admit them to minister. 15. Deficiency in orders to be supplied.

16. Item, that, by the bishop of the diocese, a uniform doctrine be set forth by homilies, or otherwise, for the good instruction and teaching of all people; and that the said bishop, and other persons aforesaid, do compel the parishioners to come to their several churches, and there devoutly to hear divine service, as of reason they ought. 16. Homilies to be preached and attendance to be compulsory.

17. Item, that they examine all schoolmasters and teachers of children, and finding them suspect in any wise, to remove them, and place Catholic men in their rooms, with a special commandment to instruct their children, so as they may be able to answer the priest at the Mass, and so help the priest to Mass, as has been accustomed. 17. Suspected schoolmasters to be removed, and children to be taught the Mass.

18. Item, that the said bishop, and all other the persons aforesaid, have such regard, respect, and consideration of and for the setting forth of the premises with all kind of virtue, godly living, and good example, with repressing also and keeping under of vice and unthriftiness, as they and every of them may be seen to favour the restitution of true religion; and also to make an honest account and reckoning of their office and cure to the honour of God, our good contentation, and the profit of this realm and dominions of the same. 18. Virtue and godly living to be encouraged

LXXV.

REVIVAL OF THE HERESY ACTS, A. D. 1554.

1 & 2 PHILIP AND MARY, CAP. 6.

1554. PARLIAMENT met on November 12, 1554, and, by the following Act, revived the letters patent of 1382 and the Acts of Henry IV and Henry V against heretics, without mentioning their repeal by Henry VIII and Edward VI.

[Transcr. Statutes of the Realm, iv. pt. i. p. 244.]

Heresy has lately increased for lack of authority to punish it.

Revival of 5 Ric. II, st. 2, cap. 5.

2 Hen. IV, cap. 15.

2 Hen. V, st. 1, cap. 7.

For the eschewing and avoiding of errors and heresies, which of late have risen, grown, and much increased within this realm, for that the ordinaries have wanted authority to proceed against those that were infected therewith: be it therefore ordained and enacted by authority of this present Parliament, that the statute made in the fifth year of the reign of King Richard II, concerning the arresting and apprehension of erroneous and heretical preachers, and one other statute made in the second year of the reign of King Henry IV, concerning the repressing of heresies and punishment of heretics, and also one other statute made in the second year of the reign of King Henry V, concerning the suppression of heresy and Lollardy, and every article, branch, and sentence contained in the same three several Acts, and every of them, shall from the twentieth day of January next coming be revived, and be in full force, strength, and effect to all intents, constructions, and purposes for ever.

LXXVI.

MARY'S SECOND ACT OF REPEAL, A.D. 1554.

1 & 2 PHILIP AND MARY, CAP. 8.

THIS Act was passed, apparently, before the close of the year 1554. It abolished eighteen Acts of Henry VIII relating to the Church, and one of Edward VI. It restored the ecclesiastical *status quo* of 1529. 1554.

[Transcr. Statutes of the Realm, iv. pt. i. p. 246.]

Whereas since the twentieth year of King Henry VIII of famous memory, father unto your majesty our most natural sovereign and gracious lady and queen, much false and erroneous doctrine has been taught, preached, and written, partly by divers the natural-born subjects of this realm, and partly being brought in hither from sundry other foreign countries, has been sown and spread abroad within the same: Much false doctrine uttered since 20 Hen. VIII.

By reason whereof, as well the spiritualty as the temporalty of your highness's realms and dominions have swerved from the obedience of the See Apostolic, and declined from the unity of Christ's Church, and so have continued, until such time as your majesty being first raised up by God, and set in the seat royal over us, and then by His Divine and gracious providence knit in marriage with the most noble and virtuous prince the king our sovereign lord your husband, the pope's holiness and the See Apostolic sent hither unto your majesties (as unto persons undefiled, and by God's goodness preserved from the common infection aforesaid) and to the whole realm, the most reverend father in God, the lord Cardinal Pole, legate *de Latere*, to call us home again into the right way from whence we have all this long while wandered and strayed abroad; The realm has swerved from obedience to Rome, and so continued till, on the queen's marriage, the pope sent Cardinal Pole as legate.

1554. The nation received again into the Roman Church on promise of repeal of Acts against papal supremacy.

And we, after sundry long and grievous plagues and calamities, seeing by the goodness of God our own errors, have acknowledged the same unto the said most reverend father, and by him have been and are the rather at the contemplation of your majesties received and embraced into the unity and bosom of Christ's Church, and upon our humble submission and promise made for a declaration of our repentance, to repeal and abrogate such Acts and statutes as had been made in Parliament since the said twentieth year of the said King Henry VIII, against the supremacy of the See Apostolic, as in our submission exhibited to the said most reverend father in God by your majesties appears: the tenor whereof ensues:

Parliament prays the king and queen to express repentance to the papal legate.

We the Lords spiritual and temporal, and the Commons, assembled in this present Parliament, representing the whole body of the realm of England, and the dominions of the same, in the name of our selves particularly, and also of the said body universally, in this our supplication directed to your majesties, with most humble suit, that it may by your graces' intercession and mean be exhibited to the most reverend father in God, the lord Cardinal Pole, legate, sent specially hither from our most holy father the Pope Julius III and the See Apostolic of Rome, do declare ourselves very sorry and repentant of the schism and disobedience committed in this realm and dominions aforesaid against the said See Apostolic, either by making, agreeing, or executing any laws, ordinances, or commandments against the supremacy of the said see, or otherwise doing or speaking, that might impugn the same: offering ourselves, and promising by this our supplication, that for a token and knowledge of our said repentance we be and shall be always ready, under and with the authorities of your majesties, to the uttermost of our powers, to do that shall lie in us for the abrogation and repealing of the said laws and ordinances in this present Parliament, as well for ourselves as for the

whole body whom we represent: whereupon we most humbly desire your majesties, as personages undefiled in the offence of this body towards the said see, which nevertheless God by His providence has made subject to you, to set forth this our most humble suit, that we may obtain from the See Apostolic, by the said most reverend father, as well particularly and generally, absolution, release, and discharge from all danger of such censures and sentences, as by the laws of the Church we be fallen into; and that we may as children repentant be received into the bosom and unity of Christ's Church, so as this noble realm, with all the members thereof, may in this unity and perfect obedience to the See Apostolic and popes for the time being, serve God and your majesties, to the furtherance and advancement of His honour and glory. We are at the intercession of your majesties, by the authority of our holy father Pope Julius III and of the See Apostolic, assoiled, discharged, and delivered from excommunications, interdictions, and other censures ecclesiastical, which have hanged over our heads for our said defaults since the time of the said schism mentioned in our supplication: it may now like your majesties, that for the accomplishment of our promise made in the said supplication, that is, to repeal all laws and statutes made contrary to the said supremacy and See Apostolic, during the said schism, the which is to be understood since the twentieth year of the reign of the said late King Henry VIII, and so the said lord legate does accept and recognize the same.

1554.

Declaration of the discharge of the realm from all papal excommunications.

Prayer to the king and queen to repeal the following laws made since 20 Hen. VIII:

Where in the Parliament begun and holden at Westminster in the twenty-first year of the reign of the late king of most famous memory, King Henry VIII, one Act was then and there made against pluralities of benefices, for taking of farms by spiritual men and for non-residence, in the which Act, amongst other things, it was ordained and enacted, that if any person or persons, at any time after the first day of April

Portions of the Act against pluralities;

1554. in the year of our Lord God 1530, contrary to the same Act, should procure and obtain at the Court of Rome, or elsewhere, any licence or licences, union, toleration, or dispensation to receive and take any more benefices with cure than was limited and appointed by the same Act, or else at any time after the said day should put in execution any such licence, toleration, or dispensation before that time obtained contrary to the said Act, that then every such person or persons so after the said day suing for himself, or receiving and taking such benefice by force of such licence or licences, union, toleration, or dispensation, that is to say, the same person or persons only, and no other, should for every such default incur the danger, pain, and penalty of twenty pounds sterling, and should also lose the whole profits of every such benefice or benefices, as he receives or takes by force of any such licence or licences, union, toleration, or dispensation: and where also in the said Act it was ordained and enacted, that if any person or persons did procure or obtain at the Court of Rome, or elsewhere, any manner of licence or dispensation to be non-resident at their dignities, prebend, or benefices, contrary to the said Act, that then every such person or persons putting in execution any such dispensation or licence for himself, from the said first day of April in the said year of our Lord God 1530, should run and incur the penalty, damage, and pain of twenty pounds sterling for every time so doing, to be forfeited and recovered as by the said Act is declared, and yet such licence or dispensation so procured, or to be put in execution, to be void and of none effect, as by the same Act more plainly it does and may appear. Be it enacted by the authority of this present Parliament, that as much only of the said Act as concerns the articles and clauses aforesaid, and all and every the words and sentences contained in the said Act, concerning the said articles and clauses, and every of them, shall from henceforth be re-

pealed, annulled, revoked, annihilated, and utterly made void for ever; anything in the said Act to the contrary in any wise notwithstanding. 1554.

against citation out of the diocese of residence;

And where also at the session of the same Parliament holden upon prorogation in the twenty-third year of the reign of the said late King Henry VIII, one Act entitled, The Act that no person shall be cited out of the diocese where he or she dwelleth, except in certain cases;

against appeals to Rome, *vide* Document No. L;

And where also at the said Parliament, in the session holden at Westminster upon prorogation in the twenty-fourth year of the reign of the said late King Henry VIII, one Act was made, that appeals in such cases as have been used to be pursued to the see of Rome should not from henceforth be had nor used, but within this realm;

the conditional restraint of annates, *vide* Document No. XLIX;

And where also at the said Parliament holden at Westminster in the twenty-first [1] year of the reign of the said late King Henry VIII, and there continued by divers prorogations until the fourteenth day of April in the twenty-seventh year of his reign, one Act was made concerning restraints of payments of annates and first-fruits of archbishoprics and bishoprics to the see of Rome;

the submission of the clergy, *vide* Document No. LI;

And where at a session of the said Parliament holden in the five-and-twentieth year of the reign of the said late king, there was also one Act made, entitled, The submission of the clergy to the king's majesty;

the absolute restraint of annates and consecration of prelates, *vide* Document No. LII;

And one other Act, entitled, one Act restraining the said payments of annates or first-fruits to the Bishop of Rome, and of the electing and consecrating of archbishops and bishops within this realm;

And one other Act was then and there made, entitled, An Act concerning the exoneration of the king's subjects from exactions and impositions before that time paid to the see of Rome, and for having licences and dispensations within this realm, without suing further for the same.

the exoneration from payments to Rome and

[1] *Sic.*

1554.

as to granting dispensations, *vide* Document No. LIII.

A repeal of those statutes.

Be it enacted by the authority of this present Parliament, that the said several Acts made for the restraint of payments of the said annates and first-fruits, and all other the said Acts made in the said twenty-fourth and twenty-fifth years of the reign of the said late king, and every of them, and all and every branch, article, matter, and sentence in them and every of them contained, shall be by authority of this present Parliament from henceforth utterly void, made frustrate, and repealed to all intents, constructions, and purposes.

The following Acts also repealed:

And be it further enacted by the authority of this present Parliament, that all and every these Acts following, that is to say, one Act made at the session of the said Parliament holden upon prorogation at Westminster in the

The king's supremacy, *vide* Document No. LV;

twenty sixth year of the reign of the said late King Henry VIII, entitled, An Act concerning the king's highness to be supreme head of the Church of England, and to have authority to reform and redress all errors, heresies, and abuses in the same;

Suffragans, *vide* Document No. LIX;

And one other Act made in the same session of the same Parliament, entitled, An Act for nomination and consecration of suffragans within this realm;

committee for making ecclesiastical laws;

And one other Act made in the twenty-seventh year of the reign of the said late King Henry VIII, entitled, An Act whereby the king should have power to nominate thirty-two persons of his clergy and lay fee for the making of ecclesiastical laws.

extinguishing the pope's authority;

And also one other Act made at the Parliament holden at Westminster in the eight-and-twentieth year of the reign of the said late King Henry VIII, entitled, An Act extinguishing the authority of the Bishop of Rome;

release of those who obtained licences from Rome;

And also one other Act made in the same Parliament, entitled, An Act for the release of such as then had obtained pretended licences and dispensations from the see of Rome;

And also all that part of the Act made in the said eight-and-twentieth year of the said king, entitled, An Act for the

establishment of the succession of the imperial crown of the realm, that concerns a prohibition to marry within the degrees expressed in the said Act; 1554. part of Act of Succession;

And also one other Act made at the Parliament holden at Westminster in the one-and-thirtieth year of the reign of the said late King Henry VIII, entitled, An Act authorizing the king's highness to make bishops by his letters patent; an Act for making bishops by letters patent;

And one other Act made in the session of the same Parliament, begun in the said one-and-thirtieth year, holden upon prorogation the two-and-thirtieth year of the reign of the said King Henry VIII, entitled, An Act concerning pre-contracts of marriages, and touching degrees of consanguinity; an Act concerning pre-contracts of marriage;

And one other Act made in the Parliament holden at Westminster in the thirty-fifth year of the reign of the said late King Henry VIII, entitled, An Act for the ratification of the king's majesty's style; shall henceforth be repealed, made frustrate, void, and of none effect. and an Act for ratifying the king's style.

And where also at the said Parliament holden at Westminster in the five-and-thirtieth year of the reign of the said late King Henry VIII, one other Act was made, entitled, An Act concerning the establishment of the succession of the said king in the imperial crown of this realm; in the which Act there is a form of a corporal oath devised and set forth, that every subject of this realm should be bound to take, against the power, authority, and jurisdiction of the see of Rome: be it enacted by the authority of this present Parliament, that so much of the said Act as touches the said oath against the supremacy, and all oaths thereupon had, made, and given, shall be from henceforth utterly void, repealed, and of none effect. Repeal of Act for oaths against papal supremacy.

And where also one other Act was made in the seven-and-thirtieth year of the reign of the said late King Henry VIII, entitled, An Act that doctors of the civil law, being married, Repeal of Act allowing married

1554. might exercise ecclesiastical jurisdiction: be it enacted by the authority of this present Parliament, that the said Act last before mentioned, and all and every branch, article, sentence, and matter contained in the same, shall from henceforth be repealed and utterly made void and of none effect.

doctors of civil law to exercise ecclesiastical jurisdiction.

Repeal of such parts of the statute of Edw. VI as derogate from the papal supremacy.

And where one other Act was made at the first session of the Parliament holden at Westminster in the first year of the reign of King Edward VI, entitled, An Act for the repeal of certain statutes concerning treasons, felonies, &c.; in the which Act, amongst other things, there is contained certain provisions, pains, penalties, and forfeitures, for and against such as should by open preachings, express words, sayings, writing, printing, overt deed or act, affirm or set forth that the king of this realm for the time being is not or ought not to be the supreme head in earth of the Churches of England and Ireland, nor of any of them, or that the Bishop of Rome, or any other person or persons other than the King of England for the time being, is or ought to be supreme head of the same Churches, or any of them, as in the same Act last before rehearsed more at large is contained and may appear: be it enacted by the authority of this present Parliament, that these clauses before rehearsed, and other of the said Act concerning the supremacy, and all and every branch, article, words, and sentence in the same, sounding or tending to the derogation of the supremacy of the pope's holiness or the see of Rome, and all pains, penalties, and forfeitures made against them that should by any means set forth and extol the said supremacy, shall be from henceforth utterly void and of none effect.

A general repeal of all statutes made against papal

And be it further enacted by the authority aforesaid, that all clauses, sentences, and articles of every other statute or Act of Parliament, made since the said twentieth year of the reign of King Henry VIII, against the supreme

authority of the pope's holiness or See Apostolic of Rome, or containing any other matter of the same effect only, that is repealed in any of the statutes aforesaid, shall be also by authority hereof from henceforth utterly void, frustrate, and of none effect. 1554. supremacy.

And where we your most humble subjects, the Lords spiritual and temporal, and Commons, in this present Parliament assembled, have exhibited to your majesties one other supplication in form following: We the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, representing the whole body of this realm, reduced and received by your majesties' intercession to the unity of Christ's Church, and the obedience of the See Apostolic of Rome, and the pope's holiness governing the same, make most humble suit unto your majesties to be likewise means and intercessors, that all occasions of contention, hatred, grudge, suspicion, and trouble, both outwardly and inwardly in men's consciences, which might arise amongst us by reason of disobedience, may by authority of the pope's holiness, and by ministration of the same unto us by the most reverend father in God the lord Cardinal Pole, by dispensation, toleration, or permission respectively, as the case shall require, be abolished and taken away, and by authority sufficient these articles following, and generally all others, when occasion shall so require, may be provided for and confirmed: Supplication by Parliament that the following articles may be confirmed:

First, that all bishoprics, cathedral churches, hospitals, colleges, schools, and other such foundations now continuing, made by authority of Parliament, or otherwise established according to the order of the laws of this realm, since this schism, may be confirmed and continued for ever. that ecclesiastical foundations made since 'the schism' may stand;

Item, that marriages made *infra gradus prohibitos consanguinitatis*, *affinitatis*, *cognationis spiritualis*, or which might be made void *propter impedimentum publicæ hones-* that marriages made within the

1554. prohibited degrees, &c., may be confirmed;

tatis, *justitiæ*, or for any other cause prohibited by the canons only, may be confirmed, and children born of those marriages declared legitimate, so as those marriages were made according to the laws of the realm for the time being, and be not directly against the laws of God, nor in such case as the See Apostolic has not used to dispense withal.

also institutions to benefices,

That institutions of benefices, and other promotions ecclesiastical, and dispensations made according to the form of the Act of Parliament, may be likewise confirmed.

and judicial processes made upon appeals.

That all judicial processes made before any ordinaries of this realm, or before any delegates upon any appeals, according to the order of the laws of the realm, may be likewise ratified and confirmed.

Grantees of ecclesiastical property, or their successors in title, confirmed in their estates.

And finally, where certain Acts and statutes have been made in the time of the late schism, concerning the lands and hereditaments of archbishoprics and bishoprics, the suppression and dissolution of monasteries, abbeys, priories, chantries, colleges, and all other the goods and chattels of religious houses; since the which time the right and dominion of certain lands and hereditaments, goods, and chattels, belonging to the same, be dispersed abroad, and come to the hands and possessions of divers and sundry persons, who by gift, purchase, exchange, and other means, according to the order of the laws and statutes of this realm for the time being, have the same: for the avoiding all scruples that might grow by any the occasions aforesaid, or by any other ways or means whatsoever, it may please your majesties to be intercessors and mediators to the said most reverend father Cardinal Pole, that all such causes and quarrels, as by pretence of the said schism, or by any other occasion or mean whatsoever, might be moved by the pope's holiness or See Apostolic, or by any other jurisdiction ecclesiastical, may be utterly removed and taken away; so as all persons having sufficient conveyance of the said lands and hereditaments, goods, and chattels as is aforesaid, by the common

laws, Acts, or statutes of this realm, may, without scruple of conscience, enjoy them without impeachment or trouble by pretence of any general Council, canons, or ecclesiastical laws, and clear from all dangers of the censures of the Church. 1554.

And conformably hereunto, the bishops and clergy of the province of Canterbury have presented to your majesties a supplication in this tenor that follows: Prayer of the clergy thereupon.

[*Translation.*]

We the bishops and clergy of the province of Canterbury, assembled in this synod in our accustomed manner whilst the Parliament of the kingdom is being held, with all due humility and reverence, show to your majesties that although we, by the appointment of sacred canons, have been appointed defenders and keepers of the churches to which, as bishops, deans, archdeacons, rectors, and vicars, we have been preferred, and of the souls which are subject to us and to our care, and of the goods, jurisdictions, and rights of the same, and moreover ought to strive, by every endeavour and with all our strength, to recover and recall to the ancient right of the churches the goods, jurisdictions, and rights of the same, perished and lost in the late pernicious schism of this kingdom: Yet, nevertheless, mature consideration and deliberation being first had by us upon this matter, we freely confess ourselves to know well how difficult and almost impossible would be the recovery of ecclesiastical possessions, on account of the many and almost inextricable contracts and disposals made thereof, and that should it be attempted, the peace and tranquillity of the realm would be easily disturbed, and the unity of the Catholic Church—which now, by the piety and authority of your majesties, is in this kingdom introduced—would, with the greatest difficulty, be able to obtain its due progress and end; Though bound to defend the Church and recover her lost possessions, yet, after due deliberation, recognizing the difficulties of the case,

1554. preferring the public peace to their own benefit, they beseech the Crown to urge Cardinal Pole

We therefore, preferring the public good and peace to private advantage, and the health of so many souls redeemed by the precious Blood of Christ to earthly benefits, and seeking not those things which are ours but which are Jesus Christ's, earnestly beseech your majesties and humbly supplicate them that they would deign, in our name, to suggest these things to the most reverend father in Christ, the lord Reginald, Cardinal Pole, legate *de Latere* of our most revered lord, the lord Julius III, the pope, and of the Apostolic See, to them and to this whole kingdom of England, and to intercede with him that in enlarging or releasing these ecclesiastical goods, in part or in whole, to the detainers of the same goods, at his discretion, according to the powers granted to him by the same our most holy lord the pope, he would be willing to place first and to prefer public good to private, peace and tranquillity to dissensions and disturbances, and the health of souls to earthly benefits; for we promise our consent in all things which, concerning these goods, shall be established and ordained by the same legate from now, from then, and on the contrary; and moreover that your majesties, in our name, will deign to urge and ask him not to show himself exacting or covetous in the premises.

not to be too exacting in the premises,

and that ecclesiastical jurisdiction may be restored to the clergy,

Moreover, we beseech your majesties that, of your piety, you would deign to effect that those things which pertain to our jurisdiction and ecclesiastical liberty, without which we are not able to exercise the right of our pastoral office and the cure of souls to us committed, may be restored to us, the hurt of former times being removed, and that those things may endure safe and unimpaired to us and to the Church for ever, and that all laws which take away or in any wise impede this our ecclesiastical liberty and jurisdiction may be repealed, to the honour of God and of your majesties, and for the spiritual and temporal commodity and health of all this kingdom.

and all laws to the contrary abrogated.

We also, having the certain hope that your majesties, of your singular piety towards God Himself, and for the many and extraordinary benefits received from the goodness of the same God, will never fail us, but, as need shall be, will consult and provide for the necessities and troubles of the churches of this their kingdom, which have, above all else, the care of souls. 1554.

[*Transcript.*]

Forasmuch as the said most reverend father the lord legate, at the intercession of your majesties, has by the authority of the See Apostolic sufficiently dispensed in the matters specified in the said several supplications, as in his said letters of dispensation is contained more at large: the tenor whereof ensues:

The said legate, at the intercession of the king and queen, has given dispensation as requested above.

[*Translation.*]

Reginald, by divine commiseration deacon of the holy Roman Church of St. Mary in Cosmedin, called Cardinal Pole, legate *de Latere* of our most holy lord the pope and of the Apostolic See, to the most serene Philip and Mary, sovereigns of England, defenders of the faith, and to the whole kingdom of England—to the same most serene sovereigns Philip and Mary, eternal greeting in the Lord.

His letter of dispensation; after stating his commission,

Whereas the supreme council of this kingdom, called the Parliament, have set forth to your majesties, by their humble petitions, that by the most pernicious schism lately existing in this realm, which is now, by the mercy of God and the piety of your majesties, extinguished, some bishoprics were by the authority of the same Parliament divided, and from these some inferior churches erected into cathedrals, and schools and hospitals were founded; and also many dispositions and provisions of benefices were made, and many persons, who were induced to believe that dispensations of canon law had not any longer authority in

he recites the petition of Parliament as to things done during the late schism,

1554. this realm, have contracted, between themselves, marriages, *per verba de præsenti*, within the degrees of consanguinity or affinity of right prohibited, and other canonical impediments hindering them, and many other judicial acts and processes, as well of first as of last instance, were had and pronounced upon spiritual and ecclesiastical matters, before judges, as well ordinaries as delegates, who proceeded upon lay authority, and ecclesiastical goods were seized and occupied by divers persons of the same realm: which same things, although by the authority of the sacred canons they could be declared of no effect, yet, if they were recalled to another state than that in which they now are, the public peace and quietude of the whole realm would be disturbed, and the greatest confusion would arise, especially if the possessors of the said goods were molested: and therefore they [the Parliament] have humbly besought your majesties that you would deign to intercede with us, that, of apostolic beneficence, we would be willing to provide for the confirming and establishing of the matters premised, and also for the peace and quietness of this realm:

and also the petition of the Convocation of Canterbury.

And whereas the bishops too, and the rest of the clergy of the diocese of Canterbury, representing almost the whole body of ecclesiastics of the realm, whom this matter of ecclesiastical goods chiefly affects, have set forth that these goods cannot be recalled to the right of the churches save by disturbing the universal peace and quietness of this realm, and by placing in the utmost peril the cause of the faith and of the unity of the Church, now, with the full consent of all, introduced into this kingdom: and therefore they themselves have likewise made supplication [to your majesties] that you would be willing to intercede with us that, in the matter of these ecclesiastical goods, we should not be stubborn and unyielding as to releasing them to their possessors: and that your majesties, to whom in particular it belongs to provide that the realm committed to your power, direction,

and care, should be preserved in peace and tranquillity, after due recognition and mature consideration of these supplications and requests, should adjudge that all these, and in particular those demands made in respect of ecclesiastical goods, may, for the sake of the faith and the public peace, be duly granted by us, without any delay, and should vouchsafe, as requested, to intercede with us, as appears in the supplications presented to your majesties by the same supreme council, and by the bishops and clergy aforesaid, and as in the libel of intercession exhibited by us to your same majesties more fully appears— 1554.

Therefore we, who to your majesties and to your most noble realm have been, by our most holy lord, the Pope Julius III, sent legate *de Latere* of him and of the Apostolic See, that we might reconcile to God and the Church of Christ and His vicar on earth this realm, now for long separated from the unity of the Catholic Church, and that by all diligence we should procure all those things which belong to the peace and tranquillity of this realm, after that, by the blessing of God and the piety of your majesties, by authority of the same our most holy lord the Pope, whom we here represent, the reconciliation has now been made, that we should provide for the peace and tranquillity of the realm aforesaid, and that the unity of the Church—upon which depends the safety of so many souls, redeemed by the precious blood of Christ—now in this kingdom introduced, should be confirmed and remain sure. He, being sent to reconcile the realm,

Whereas so many and so important testimonies cause us to believe that the stability of both these depends chiefly on this, that no molestation be offered to the possessors of these ecclesiastical goods, in their possession of them, and that the intercession of your majesties, who have so studiously and piously laboured for the unity of the Church and the restoration of the authority of the Apostolic See in this kingdom, should have, with us, the authority which is recognizing the importance of preserving the nation in tranquillity and acceding to the intercession,

1554. convenient, and that this whole kingdom should recognize, and indeed experience, the truly maternal indulgence and love of the Apostolic See towards itself, we—absolving and suffering to be absolved, whomsoever to whom the things within written belong, from whatsoever ecclesiastical sentences, censures, and pains of excommunication, suspension, and interdict passed of right, or by man, for any occasion or cause, by whomsoever or in whatsoever manner they may be bound, in order to gain the effect of these presents, at all events by apostolic authority, by letters of our most holy lord, the lord Pope Julius III, granted to us, and which we execute in this behalf, by tenor of the presents—do dispense that all and singular erections of cathedral churches, foundations of hospitals and schools, in the time of the late schism, although actually yet invalidly undertaken, may remain firm and established in that state in which they now are, and we apply to them the strength of apostolic confirmation; so that not by that authority which before [they had], but by that which we now grant them, they may be held by all to have been carried out: and to all and singular persons of the realm aforesaid who may have, knowingly or ignorantly, actually contracted marriages in any degree of consanguinity or affinity, even a double one, or despite any impediment of spiritual kinship, or the just demands of public opinion, these being introduced of positive law, and on which our most holy lord the pope was wont to grant dispensations, we mercifully, in the Lord, do grant dispensations, that, notwithstanding the impediments aforesaid, [such persons] may freely and lawfully remain in their marriages so contracted, or may contract them afresh, legitimating their offspring, born or to be born; yet in such wise that those who have married knowingly and maliciously should obtain absolution from sentence of excommunication and guilt of incest or sacrilege, from their ordinary or curate, to whom we grant power to do this.

absolves, from all ecclesiastical pains, holders of land, and confirms the erection of cathedrals, schools, &c.;

legalizes certain marriages within prohibited degrees;

1554.

and will duly receive those invalidly ordained and instituted;

And all ecclesiastical, secular, or religious persons, of whatsoever orders, who, although invalidly, yet actually may have obtained any requests, dispensations, grants, gifts, and indulgences, as well orders as ecclesiastical benefices, or any spiritual matters, by pretended authority of the supremacy of the English Church, and who have returned, at heart, to the unity of the restored Church, we will mercifully receive in their orders and benefices, by ourself or by those deputed by us for that purpose, as already many have been received, and with them, on this behalf, we will opportunely dispense in the Lord.

and will ratify processes and sentences in matters ecclesiastical

And we make valid all processes had and made, in whatsoever instances, before whatsoever judges, as well ordinaries as delegates and lay, upon spiritual matters and the sentences pronounced upon them, although passed invalidly yet actually, we amend in respect of their invalidity merely arising from the aforesaid default of jurisdiction, and confirm these and those by apostolic authority; and to any person of this kingdom to whose hands ecclesiastical goods, by whatsoever contract or title charged or gotten, may now have come, and they have held and do hold them, we entirely remit and restore all and whatsoever fruits perceived from the same goods, albeit unduly: we

and will confirm all titles to ecclesiastical goods, any Church decree to the contrary notwithstanding,

willing and decreeing that the aforesaid possessors of the said ecclesiastical goods, as well moveable as immoveable, shall not be, in the present or in the future, molested, disquieted, or disturbed in the said goods or in the possession of them, either by the dispositions of councils, general or provincial, or decretal letters of Roman pontiffs, or any ecclesiastical censure whatsoever, nor that any ecclesiastical censure or pain, on account of the detention or non-restitution of the same, be imposed or inflicted on them, and that it is to be so adjudged and determined by all judges and auditors whomsoever—taking from them every kind of faculty and authority of otherwise adjudging and interpreting; and whatsoever shall happen to be attempted otherwise, we

all power of determining otherwise

1554. being taken away. decree to be null and void, notwithstanding the aforesaid defects, and whatsoever apostolic constitutions and orders, and those established in provincial and synodal councils, whether special or general, and other things to the contrary whatsoever.

Yet confirmation of the division aforesaid of the bishoprics must be sought from the pope; and holders of Church property are expected to make suitable provision therefrom for the parsons, &c. Nevertheless we admonish that, since the division of bishoprics and the erection of cathedral churches belong to the greater causes which are reserved to the most high pontiff, recourse must be had to his holiness, and from him it must be humbly supplicated that he will deign to confirm them, or create them anew. And although we have released all moveable goods of the churches, without distinction, to those who hold them, nevertheless we wish them to be admonished, that—having before their eyes the severity of Divine judgment against Belshazzar, king of Babylon, who converted to profane uses the holy vessels which had been taken from the Temple, not by himself, but by his father—they should restore those [goods] to their proper churches, if they exist, or to others. Also exhorting and beseeching, by the bowels of mercy of Jesus Christ, all those whom this matter concerns, that, not being altogether unmindful of their salvation, they will at least effect this: that out of ecclesiastical goods—especially those which, in respect of parsonages and vicarages, have been specially destined for the support of the ministers of the people, or out of other cathedral and other lesser churches which now exist, supplying the cure of souls—such provision may be made, that their pastors, parsons, and vicars may be suitably and honourably maintained according to their quality and estate, and may be able laudably to exercise the cure of souls, and duly to support the charges incumbent [on them]. Given at Lambeth, near London, in the diocese of Winchester, in the year of the Nativity of the Lord, 1554, the 24th of December, in the fifth year of the pontificate of the most holy father and lord in Christ, Julius III, by Divine Providence, pope.

REGINALD CARDINAL POLE, LEGATE.

[*Transcript.*] 1554.

We the said Lords spiritual and temporal, and Commons in this present Parliament assembled, rendering most humble thanks to your majesties, by whose intercession and means we have obtained the said dispensation of the pope's holiness, by the said most reverend father in God, his legate, most humbly beseech the same, that it may be ordained as follows: Prayer of the Lords and Commons.

And therefore be it enacted by the authority of this present Parliament, that all and singular articles and clauses contained in the said dispensation, as well touching the establishment of archbishoprics and cathedral churches, as also the confirmation of marriages, in degrees prohibited by the canons of the Church, the legitimation of children, and the ratification of processes, and of sentences in matters ecclesiastical, touching the invalidity of them for want of jurisdiction, and the institutions and destitutions of and in benefices and promotions ecclesiastical, dispensations and graces given by such order as the public laws of the realm then approved, and all other things before contained in the said letters of dispensation, shall remain and be reputed and taken to all intents and constructions in the laws of this realm, lawful, good, and effectual, to be alleged and pleaded in all courts ecclesiastical and temporal, for good and sufficient matter, either for the plaintiff or defendant, without any allegation or objection to be made against the validity of them, by pretence of any general council, canon, or decree to the contrary made, or to be made, in that behalf. Cardinal Pole's dispensation confirmed by Parliament.

And whereas divers and sundry late monasteries, priories, commanderies, nunneries, deaneries, prebends, colleges, hospitals, houses of friars, chantries, and other religious and ecclesiastical houses and places, and the manors, granges, messuages, lands, tenements, rectories, tithes, pensions, portions, vicarages, churches, chapels, advowsons, nomina- Recital of the acquisition by Henry VIII of ecclesiastical property, and its

1554. grant to individuals.

tions, patronages, annuities, rents, reversions, services, and other possessions and hereditaments to the said late monasteries, priories, nunneries, commanderies, deaneries, chantries, prebends, houses of friars, colleges, hospitals, and other religious and ecclesiastical houses and places, and to sundry archbishoprics and bishoprics, within this realm, late appertaining and belonging, came as well to the hands and possession of the said king of famous memory, Henry VIII, father unto your majesty, our said sovereign lady, by dissolution, gift, grant, surrender, attainder, or otherwise, as also to the hands and possession of divers and sundry other persons and bodies politic and corporate, by sundry means, conveyances, and assurances, according to the order of the laws and statutes of this realm.

Recital of the acquisition of ecclesiastical property by Edward VI and its grant to individuals.

And where also divers manors, lands, tenements, and hereditaments, parcel of the possessions of archbishoprics and bishoprics, and many and sundry late deaneries, colleges, chantries, rectories, prebends, free chapels, guilds and fraternities, manors, houses, granges, lands, tenements, rents, services, and other ecclesiastical possessions and hereditaments, goods and chattels, to the said archbishoprics, bishoprics, deaneries, colleges, chantries, free chapels, rectories, guilds, and fraternities, late appertaining and belonging, or appointed to and for the finding of priests, obits, lights, or other like purpose, came as well to the hands and possession of the late noble king, Edward VI, brother unto your majesty [our] sovereign lady, by virtue of an Act of Parliament thereof made, or otherwise, as also to the hands and possession of divers and sundry other persons and bodies politic and corporate, by sundry means, conveyances, and assurances, according to the order of the laws of this realm; a great number of which said late monasteries, priories, nunneries, commanderies, deaneries, colleges, hospitals, prebends, chantries, free chapels, guilds, and fraternities, and the manors, granges, messuages, lands, tenements,

rents, reversions, services, tithes, pensions, portions, vicarages, churches, chapels, advowsons, nominations, patronages, annuities and hereditaments, goods and chattels, to the said monasteries, priories, nunneries, commanderies, deaneries, colleges, hospitals, chantries, free chapels, guilds, fraternities, and other ecclesiastical houses, archbishoprics, and bishoprics belonging, as well for great sums of money, as for other good and reasonable causes and considerations, have been conveyed and assured to divers the subjects and bodies politic of this realm, as well by the said King Henry VIII, the said King Edward VI, and by your highness our sovereign lady, and jointly by both your majesties, as also by divers the owners of the said ecclesiastical possessions; which said conveyances and assurances, by their sundry letters patent, and other writings more plainly do and may appear: 1554.

Forasmuch as the said most reverend father has also by the said dispensations removed and taken away all matter of impeachment, trouble, and danger, which by occasion of any general council, canon, or decree ecclesiastical, might touch and disquiet the possessions of such goods moveable, lands, tenements, possessions, and hereditaments as were of late belonging to any of the said archbishoprics, bishoprics, monasteries, priories, nunneries, commanderies, deaneries, colleges, chantries, prebends, rectories, hospitals, houses of friars, or other religious and ecclesiastical houses and places, of what nature, name, kind, or quality soever they be of; yet for that the title of all lands, possessions, and hereditaments, in this your majesties' realm and dominions, is grounded in the laws, statutes, and customs of the same, and by your high jurisdiction, authority royal, and crown imperial, and in your courts only, to be impleaded, ordered, tried, and judged, and none otherwise; and understanding that the whole, full, and most gracious intents, mind, and determination of your most excellent majesties be, that all and every person and persons, bodies politic and corporate, that

The legate has freed from the danger of impeachment the title to any Church property.

The title to all land in the kingdom is triable in the Crown courts only.

The king and queen determine

1554. present or future holders of Church property shall possess the same by law.

their heirs, successors, and assigns, and every of them, shall have, keep, retain, and enjoy all and every their estates, rights, possessions, and interests that they, and every of them, now have, or hereafter shall have, of and in all and every the manors, granges, messuages, lands, tenements, tithes, pensions, portions, advowsons, nominations, patronages, annuities, rents, reversions, services, hundreds, wapentakes, liberties, franchises, and other the possessions and hereditaments of the said monasteries, abbeys, priories, nunneries, commanderies, deaneries, colleges, prebends, houses of friars, hospitals, chantries, rectories, vicarages, churches, chapels, archbishoprics, bishoprics, and other religious or ecclesiastical houses and places, or of any of them, within this realm or the dominions of the same, by such laws and statutes as were in force before the first day of this present Parliament, and by other lawful conveyances to them thereof made:

Title of the Crown to all Church property confirmed.

That it may be therefore enacted by the authority of this present Parliament, that as well your majesty, sovereign lady, your heirs and successors, and also all and every other person and persons, bodies politic and corporate, their heirs, successors, and assigns, now having, or that hereafter shall have, hold, or enjoy any of the sites of the said late monasteries, and other the religious or ecclesiastical houses or places, and all the said manors, granges, messuages, lands, tenements, tithes, pensions, portions, glebe lands, advowsons, nominations, patronages, annuities, rents, reversions, services, hundreds, wapentakes, liberties, franchises, profits, commodities, and other the possessions and hereditaments of the said late monasteries, abbeys, priories, nunneries, commanderies, deaneries, colleges, prebends, hospitals, houses of friars, rectories, vicarages, chantries, churches, chapels, archbishoprics, bishoprics, and other religious and ecclesiastical houses and places, or of any of them, of what name, nature, or kind soever they be, shall

have, hold, possess, retain, keep, and enjoy all and every the said sites, manors, granges, messuages, lands, tenements, possessions, profits, commodities, and other hereditaments, according to such interests and estates as they, and every of them, now have or hold, or hereafter shall have or hold, of and in the same, by the due order and course of the laws and statutes of this realm, which now be, or were standing in force, before the first day of this present Parliament, in manner and form as they should have done if this Act had never been had nor made; this Act or anything herein contained to the contrary in any wise notwithstanding. 1554.

Saving to you, our said sovereign lady, your heirs and successors, and every of them, and to all and every other person and persons subjects of this realm, and bodies politic and corporate, and to their heirs and successors, and to the heirs and successors of all and every of them (other than such whose right, title, or interest is bounded or taken away, undone, or extinct by any Act of Parliament heretofore made or otherwise), all such right, title, claim, possession, interests, rents, annuities, commodities, commons, offices, fees, leases, liveries, livings, pensions, portions, debts, duties, and other profits, which they or any of them have lawfully, or of right ought to have, or might have had, in, of, or to any of the premises, or in, of, or to any part or parcel thereof, in such like manner and form and condition, to all intents, respects, constructions, and purposes, as if this Act had never been had nor made. Saving the titles of others therein.

And that it may be further enacted by the authority aforesaid, that all and every article, clause, sentence, and proviso contained or specified in any Act or Acts of Parliament concerning or touching the assurance or conveyance of any the said monasteries, priories, nunneries, commanderies, deaneries, prebends, colleges, chantries, hospitals, houses of friars, rectories, vicarages, churches, chapels, archbishoprics Confirmation of all statutes concerning the assurance of Church lands.

1554. and bishoprics, and other religious and ecclesiastical houses and places, or any of them, or in any wise concerning any manors, lands, tenements, profits, commodities, hereditaments, or other the things before specified to the said King Henry VIII, or King Edward VI, or either of them, or any other person or persons, or body politic or corporate and every of them, and all and every writing, deed, and instrument concerning the assurance of any the same, shall stand, remain, and be in as good force, effect, and strength, and shall be pleaded and taken advantage of, to all intents, constructions, and purposes, as the same should, might, or could have been, by the laws and statutes of this realm, in case this present Act had never been had nor made.

Confirmation of assurances to Henry VIII, Edward VI. and all other persons, of Church lands.

And that all feoffments, fines, surrenders, forfeitures, assurances, conveyances, estates, and interests in any wise conveyed, had, or made to our said late sovereign lord King Henry VIII, or to our said late sovereign lord King Edward VI, or either of them, or to any other person or persons, bodies politic or corporate, or to any of them, by deed or deeds, Act or Acts of Parliament or otherwise, of any the sites, manors, lands, tenements, possessions, profits, commodities, or hereditaments of any the said archbishoprics, bishoprics, late monasteries, priories, nunneries, commanderies, deaneries, houses of friars, colleges, chantries, hospitals, prebends, free chapels, or of any manors, lands, tenements, reversions, services, tithes, pensions, portions, annuities, or of any other hereditaments, of, by, or from any ecclesiastical or spiritual person or persons, or by or from any spiritual or ecclesiastical corporation or body politic, shall be as good and available in the law, to all intents, constructions, and purposes, as they were by the laws and statutes of this realm standing in force before the first day of this present Parliament; and that the same may and shall be pleaded, alleged, and taken advantage of in

such sort and to such effect as they should, could, or might have been by the laws and statutes of this realm standing in force before the said first day of this present Parliament; and that all and every clause and article of saving, contained in all and every the said Acts and statutes, shall stand, remain, and be in such force, strength, and effect as they were before the said first day of this present Parliament; anything contained in this present Act to the contrary in any wise notwithstanding. 1554.

Penalty for molesting any person in possession of Church lands.

And that it may be in like manner enacted by authority aforesaid, that whosoever shall by any process obtained out of any ecclesiastical court within this realm or without, or by pretence of any spiritual jurisdiction or otherwise, contrary to the laws of this realm, disquiet or molest any person or persons or body politic, for any of the said manors, lands, tenements, hereditaments, or things above specified, contrary to the words, sentences, and meaning of this Act, shall incur the danger of the Act of Præmunire, made the sixteenth year of King Richard II, and shall suffer and incur the forfeitures and pains contained in the same.

Proviso for suits as to tithes.

Provided alway, that it shall and may be lawful to any person or persons, body politic and corporate, to sue in any competent ecclesiastical or spiritual court within this realm, for tithes, rights, and duties that they or any of them shall pretend to have of or out of any the said manors, lands, tenements, and other the premises, and to have full and perfect remedy for the same, in such manner and form as they, or any of them, might or ought to have done or had by the laws and statutes of this realm, before the making of this Act, and as though this Act had never been had or made.

The title of supremacy, though

And that it may be further provided and enacted by the authority aforesaid, that albeit the title or style of supremacy, or supreme head of the Church of England and of

1554. never just or lawful, shall not impugn the validity of instruments in which used.

Ireland, or either of them, never was, nor could be justly or lawfully attributed or acknowledged to any king or sovereign governor of this realm, nor in any wise could or might rightfully, justly, or lawfully, by any king or sovereign governor of this realm, be claimed, challenged, or used; yet forasmuch as the said title and style, since the third day of November in the twenty-sixth year of the reign of the said king Henry VIII, has been used, and is mentioned and contained in divers and sundry writs, letters patent, records, exemplifications, court-rolls, charters, deeds, instruments, evidences, books, and writings; it shall be lawful as well to and for your majesties and your sovereign lady's heirs and successors, as to and for every other person and persons, and bodies politic and corporate, at all time and times hereafter, to have, retain, and keep the said writs, letters patent, records, exemplifications, court-rolls, charters, deeds, instruments, evidences, books and writings, and them to show, exhibit, use, allege and plead, in all times and places requisite or needful, without any danger, penalty, loss, forfeiture, trouble, vexation, or impeachment for the same; anything in this Act, or in any other Act or Acts to the contrary thereof, in any wise notwithstanding.

Nor shall its omission.

And where your highness, sovereign lady, since your coming to the crown of this realm, of a good and Christian conscience, omitted to write the said style of supremacy, specified in one Act, made in the Parliament holden at Westminster by prorogation in the thirty-fifth year of the reign of your late father King Henry VIII, as well in gifts, grants, letters patent, as in commissions and other writings, and also others have, in their writings, done the same, as well in your time as before; and forasmuch as notwithstanding any law made concerning the said style of supremacy, it was in the free choice, liberty, and pleasure of the king of this realm, and of your highness, whether you would express

the same in the said style or not: Be it therefore declared and enacted by the authority of this present Parliament, that all grants, letters patent, commissions, indictments, records, and writings made in your our sovereign lady's name, or in the names of your sovereign lord and lady, or any other wherein the said style of supremacy is omitted, is and shall be to all intents and purposes as good and effectual as if the same had been therein expressed, and may be detained, kept, pleaded, and alleged, without any danger, pain, penalty, or forfeiture to ensue to any person or persons or body politic, for or concerning the omission of the same style, or any part thereof, in any such writings; and that no person nor persons shall be impeached, molested, or damnified for or by reason of any such omission. 1554.

Repeal of Act voiding papal bulls.

And where, in an Act of Parliament, made since the said twentieth year of King Henry VIII, all bulls, dispensations, and writings, which were before that time obtained from the see of Rome, should be void, abolished, and extinguished, with a clause, nevertheless, that the matter of them, by virtue of letters patent from the king then being, should and might be alleged, pleaded, and allowed, as if the same had not been so abolished or extinguished; forasmuch as the said Act is herebefore, amongst others, repealed and made void: Be it therefore enacted by authority of this present Parliament, that all bulls, dispensations, and privileges obtained before the said twentieth year, or at any time since, or which shall hereafter be obtained of the see of Rome, not containing matter contrary or prejudicial to the authority, dignity, or pre-eminence royal or imperial of the realm, or to the laws of this realm now being in force, and not in this Parliament repealed, may be put in execution, used, and alleged in any court within this realm or elsewhere, whether the same remain yet whole, or can appear to have been cancelled, in as available and

Such bulls may be put in execution, if not prejudicial to the royal prerogative or the law of the land.

1554. effectual manner, to all intents and purposes, as if the said Act had never been had or made; any objection by pretence of extinguishment or cancelling of the said bulls, dispensations, or privileges, or of any other matter or cause, by the pretence of the laws of this realm whatsoever, in any wise notwithstanding.

Lay possession of, and jurisdiction over, churches, &c., formerly under monastic rule, abolished.

And whereas by dissolution of monasteries and other religious houses, certain parish churches and chapels which were before exempt from the jurisdiction of the archbishop (*sic*) and bishops of the diocese, and by special exemption and privilege from Rome were under the government and order of the abbots and priors of those religious houses, which said churches, by colour of the said exemptions, be now of special grant from King Henry and King Edward, under the rule and government and jurisdiction of temporal and lay men, who can no more enjoy that supremacy over those particular churches than the king might over the whole realm: Be it therefore enacted, that all archbishops and bishops in their dioceses, and all other spiritual person and persons having jurisdiction, and their ministers and officers, and no lay person or persons, in every church and place within the precinct of the same, being exempt or not exempt, may freely, and without impediment, execute their spiritual jurisdiction in all points and articles, as though no such exemption or grant had never (*sic*) been made.

Saving the rights of certain bodies corporate and individuals.

Provided alway, and be it enacted, that this Act extend not to take away or diminish the privileges of the universities of Cambridge and Oxford, nor the privileges or prerogatives granted heretofore to the churches of Westminster and Windsor, nor the Tower of London, nor prejudicial to such temporal lords and possessioners in this realm, as by ancient custom have enjoyed probate of testaments of their tenants or others.

Increased devotion

And forasmuch as after this reconciliation and unity of

this noble realm to the body of Christ's Church, it is to be trusted that by the abundance of God's mercy and grace devotion shall increase and grow in the hearts of many subjects of this realm, with desire to give and bestow their worldly possessions for the resuscitating of alms, prayer, and example of good life in this realm, to the intent such godly motions and purposes should be advanced: Be it therefore enacted by authority of this present Parliament, that it shall be lawful to such as shall be seised of any manors, lands, tenements, parsonages, tithes, pensions, portions, or other hereditaments whatsoever, in fee simple, in possession, reversion or remainder, in their own rights, not being copyhold, may thereof make feoffments, grants, or any other assurances, or by his last will and testament in writing may bequeath and give in fee simple all and every the said manors, lands, tenements, parsonages, tithes, pensions, portions, or other hereditaments, to any spiritual body politic or corporate in this realm, or dominions of the same, now erected or founded, or hereafter to be erected or founded, without any licence of mortmain therein to be obtained, or any writ of *ad quod damnum* to be sued out for the same; the Act *de terris ad manum mortuam non ponendis*, or any other Act or statute heretofore had or made, in any wise notwithstanding; saving to the lords of the fee all rents [and] services due or going out of any of the said lands, tenements, or hereditaments so to be amortized as is aforesaid.

1554. hoped for by reconciliation to Rome. Grants of the fee simple of land, &c., to religious bodies, founded or to be founded, lawful, without licence of mortmain. Saving certain services.

Provided always, that this clause of this Act, for giving the liberty of or for the amortizing of lands or tenements, shall continue for and during the space of twenty years next and immediately following, and no longer.

Limitation of this power to the term of twenty years.

And forasmuch as we your majesty's humble and obedient subjects, the Lords spiritual and temporal, and Commons, in this present Parliament assembled, neither by the making or delivering of either the supplications aforesaid, nor by

1554. any clause, article, or sentence thereof, or of any other clause, article, or sentence of this or any other statute, or any of the preambles of the same, made or agreed upon in this session of this present Parliament, by any manner of interpretation, construction, implication or otherwise, intend to derogate, impair, or diminish any of the prerogatives, liberties, franchises, pre-eminences, or jurisdictions of your crown imperial of this realm, and other the dominions to the same belonging; we do most humbly beseech your majesties, that it may be declared and ordained, and be it enacted and declared by authority of this present Parliament, that neither the making, exhibiting, or inserting in this present statute, or in the preambles of the same, of the supplications or promise aforesaid or either of them, nor any other thing or things, words, sentences, clauses, or articles in the preambles or body of the Acts aforesaid, shall be construed, understood, or expounded to derogate, diminish, or take away any liberties, privileges, prerogatives, pre-eminences, authorities, or jurisdictions, or any part or parcel thereof, which were in your imperial crown of this realm, or did belong to your said imperial crown, the twentieth year of the reign of yours, the queen's majesty's most noble father, or any other of your most noble progenitors, before the said twentieth year; and the pope's holiness and See Apostolic to be restored, and to have and enjoy such authority, pre-eminence, and jurisdiction as his holiness used and exercised, or might lawfully have used and exercised, by authority of his supremacy, the said twentieth year of the reign of the king, your father, within this your realm of England and other your dominions, without diminution or enlargement of the same, and none other; and the ecclesiastical jurisdictions of the archbishops, bishops, and ordinaries to be in the same state for process of suits, punishment of crimes, and execution of censures of the Church, with knowledge of causes

Nothing in this statute is to be prejudicial to the liberties of the Crown,

which shall remain as in 20 Hen. VIII.

Papal jurisdiction to be as in 20 Hen. VIII.

Episcopal likewise.

belonging to the same, and as large in these points as the said jurisdiction was the said twentieth year. 1554.

All grants to religious bodies to be in frankalmoigne, the statute *Quia emptores* notwithstanding.

Provided always, and be it enacted by the authority aforesaid, that in and upon every such gifts and devises to be made to such spiritual corporations or persons as is aforesaid, the donor, feoffor, or devisor thereof may reserve to him, and his heirs for ever, a tenure in frankalmoigne, or a tenure by divine service, and to have all remedies and actions for and upon the said gifts or devises and tenures, in like manner and form as was used before the statute of Westminster the third, commonly called *Quia emptores terrarum*; the said statute or any law or custom now being to the contrary in any wise notwithstanding.

The remedy for recovery of any pension, tithes, glebe lands, &c.

Provided always, and be it enacted, that all and every person and persons, bodies politic and corporate, which now have or hereafter shall have any estate of inheritance, freehold, term or interest, of, in, or to any portion, pension, tithes, glebe lands, or other ecclesiastical or spiritual profit which by this Act, and letters of dispensation rehearsed in the same, be permitted and suffered to remain and continue in laymen's possessions, shall and may have like remedy for the recovery of the same, and every part thereof, as they and every of them might have had before the first day of this present Parliament; anything in this Act contained to the contrary in any wise notwithstanding.

LXXVII.

QUEEN ELIZABETH'S PROCLAMATION TO FORBID PREACHING, ETC., A. D. 1558.

1558. THE following proclamation was issued by the queen at Westminster, December 27, 1558, and has reference to the mitigation of religious acrimony pending the formulation of her religious policy which appeared in the Supremacy and Uniformity Acts of the following April.

[Transcr. H. Dyson's Collection of Proclamations, A.D. 1618, f. 3.]

By the Queen.

In consequence of irregular preaching and ministry tending to contention,

The queen's majesty understanding that there be certain persons having in times past the office of ministry in the Church, which now do purpose to use their former office in preaching and ministry, and partly have attempted the same, assembling specially in the city of London, in sundry places, great number of people, whereupon riseth among the common sort not only unfruitful dispute in matters of religion, but also contention and occasion to break common quiet, hath therefore, according to the authority committed to her highness for the quiet governance of all manner her subjects, thought it necessary to charge and command, like as hereby her highness doth charge and command, all manner of her subjects, as well those that be called to ministry in the Church as all others, that they do forbear to preach, or teach, or to give audience to any manner of doctrine or preaching other than to the Gospels and Epistles, commonly called the Gospel and Epistle of the day, and to the Ten Commandments in the vulgar tongue, without exposition or addition of any manner, sense, or meaning to be applied and added; or to use any other manner of public prayer, rite, or ceremony in the Church,

all, both lay and clerical, are hereby ordered to desist; yet Gospel, Epistle, and Commandments, with Litany,

but that which is already used and by law received; or the common Litany used at this present in her majesty's own chapel, and the Lord's Prayer, and the Creed in English; until consultation may be had by Parliament, by her majesty and her three estates of this realm, for the better conciliation and accord of such causes, as at this present are moved in matters and ceremonies of religion. 1558. Lord's Prayer, and Creed, are allowed, in English, until Parliament is consulted.

The true advancement whereof to the due honour of Almighty God, the increase of virtue and godliness, with universal charity and concord amongst her people, her majesty most desireth, and meaneth effectually, by all manner of means possible, to procure and to restore to this her realm. Whereunto as her majesty instantly requireth all her good, faithful, and loving subjects to be assenting and aiding with due obedience, so if any shall disobediently use themselves to the breach hereof, her majesty both must and will see the same duly punished, both for the quality of the offence, and for example to all others neglecting her majesty's so reasonable commandment. Given at her highness's palace of Westminster the twenty-seventh day of December, the first year of her majesty's reign. The queen desires the advancement of religion, and will punish all who oppose it.

God save the queen.

LXXVIII.

THE INJUNCTIONS OF ELIZABETH, A. D. 1559

(*compared with those of Edward VI*[1]).

THESE Injunctions, which would appear to have been drawn up by Cecil and his advisers, were ready in June of 1559 for the visitors to take round. Their basis is the series of Injunctions published under Edward VI in 1547. They follow that series for the most 1559.

[1] The Edwardine Injunctions of 1547 may be seen in Cardwell's *Documentary Annals* i. p. 4.

1559. part from 1 to 28. The more important changes are indicated in the notes. The number in the margin refers to the corresponding paragraph in the Edwardine document. The Injunctions of Edward, which have been dropped entirely, are Nos. 6, concerning the occupation of children and servants; 7, concerning the absence of clergy from their cures; 12, concerning the recantation of erroneous teaching about relics, &c.; 20, concerning unauthorized alteration of fasts, &c.; 27, concerning the preaching of dignitaries; 31, concerning sick visitation, &c.; 36, concerning chantry priests; and 37, concerning the omission of the Hours when there is a sermon. Those which follow the first 28, are chiefly new.

[Transcr. from contemporary print at British Museum, 5155, a. 14 (1).]

These Injunctions are to be observed under penalty by the queen's subjects.

The queen's most royal majesty, by the advice of her most honourable council, intending the advancement of the true honour of Almighty God, the suppression of superstition throughout all her highness's realms and dominions, and to plant true religion to the extirpation of all hypocrisy, enormities, and abuses (as to her duty appertaineth), doth minister unto her loving subjects these godly Injunctions hereafter following. All which Injunctions her highness willeth and commandeth her loving subjects obediently to receive, and truly to observe and keep, every man in their offices, degrees, and states, as they will avoid her highness's displeasure, and pains of the same hereafter expressed.

1. All ecclesiastical persons to observe the royal supremacy, and to preach against the papal usurpation.

I. The first is, that all deans, archdeacons, parsons, vicars, and all other ecclesiastical persons shall faithfully keep and observe, and as far as in them may lie, shall cause to be observed and kept of other, all and singular laws and statutes made [for the restoring to the crown, the ancient jurisdiction over the state ecclesiastical, and abolishing of all foreign power, repugnant to the same[1]]. And furthermore, all ecclesiastical persons having cure of souls shall, 1.

[1] as well for the abolishing and extirpation of the Bishop of Rome, his pretensed and usurped power and jurisdiction, as for the establishment and confirmation of the king's authority, jurisdiction, and supremacy of the Church of England and Ireland.

to the uttermost of their wit, knowledge, and learning, purely [and [1]] sincerely, and without any colour or dissimulation, declare, manifest, and open four times every year at the least, in their sermons and other collations, that [all usurped and foreign power [2]] having no establishment nor ground by the law of God, [is, for [3]] most just causes, taken away and abolished; and that therefore no manner of obedience [and [4]] subjection within [her [7]] highness's realms and dominions is due unto [any such foreign power [5]]. And that the [queen's [6]] power within [her [7]] realms and dominions is the highest power under God, to whom all men, within the same realms and dominions, by God's laws, owe most loyalty and obedience, afore and above all other powers and potentates in earth. 1559.

2. II. Besides this, to the intent that all superstition and hypocrisy crept into divers men's hearts may vanish away, they shall not set forth or extol [the dignity of [8]] any images, relics, or miracles; [but, declaring the abuse of the same [9],] they shall teach that all goodness, health, and grace ought to be both asked and looked for only of God, as of the very Author and Giver of the same, and of none other. 2. Images, relics, &c., not to be extolled.

3. III. Item, that they, the persons above rehearsed, shall [preach [10]] in their churches, and every other cure they have, one sermon every [month [11]] of the year at the least, wherein they shall purely and sincerely declare the word of God, and in the same exhort their hearers to the works of faith, [as [12]] mercy and charity especially prescribed and commanded in Scripture; and that [the [12]] works devised by 3. Monthly sermons to be preached, which shall denounce superstition.

[1] Om. [2] the Bishop of Rome's usurped power and jurisdiction.
[3] was of. [4] or. [5] him.
[6] king's. [7] his. [8] Om.
[9] for any superstition or lucre; nor allure the people by any enticements to the pilgrimage of any saint or image; but, reproving the same.
[10] make or cause to be made. [11] quarter. [12] Om.

1559. man's fantasies, besides Scripture (as wandering [of[1]] pilgrimages, [setting up of candles[2],] praying upon beads, or such like superstition), have not only no promise of reward in Scripture for doing of them, but contrariwise great threatenings and maledictions of God, for that they [being[3]] things tending to idolatry and superstition, which of all other offences God Almighty doth most detest and abhor, for that the same most diminish His honour and glory.

4. Each parson to preach, or read a homily, once a quarter.

IV. Item, that they, the persons above rehearsed, shall preach in their own persons, once in every quarter of the year at the least, one sermon, being licensed especially thereunto, as is specified hereafter; or else shall read some homily prescribed to be used by the queen's authority every Sunday at the least, unless some other preacher sufficiently licensed, as hereafter, chance to come to the parish for the same purpose of preaching[4].

5. When there is no sermon the Lord's Prayer, &c., to be recited.

V. Item, that every holy-day through the year, when they have no sermon, they shall immediately after the Gospel openly and plainly recite to their parishioners in the pulpit the Pater noster, the Creed, and the Ten Commandments, in English, to the intent that the people may learn the same by heart; exhorting all parents and house holders to teach their children and servants the same, as they are bound by the law of God and conscience to do[5].

[1] to.

[2] offering of money, candles or tapers to relics, or images, or kissing and licking of the same.

[3] be.

[4] This Injunction is new, and in the place of one which required the removal of all images, and the tapers or candles usually set before them, but expressly allowed 'two lights upon the high altar before the sacrament, which, for the signification that Christ is the very true light of the world, they shall suffer to remain still.' It appears however from the Injunctions of 1549 (No. 3), and the subsequent Injunctions of Bishop Ridley, 1550 (No. 2), that the permission had in the meantime been withdrawn.

[5] Verbatim.

1559.

6. The Bible and Paraphrases to be set up, and Bible-reading to be encouraged.

8. VI. Also, that they shall provide within three months next after this visitation [at the charges of the parish [1]], one book of the whole Bible of the largest volume in English; and within one twelve months next after the said visitation, the Paraphrases of Erasmus also in English upon the Gospel, and the same set up in some convenient place within the said church that they have cure of, whereas their parishioners may most commodiously resort unto the same, and read the same, [out of the time of common service [1]]. The charges of [the Paraphrases [2]] shall be [by the parson or proprietary and parishioners borne by equal portions [3]]; and they shall discourage no man [4] from the reading of any part of the Bible, either in Latin or in English, but shall rather [5] exhort every person to read the same with great humility and reverence, as the very lively word of God, and the especial food of man's soul, which all Christian persons are bound to embrace, believe, and follow, if they look to be saved; whereby they may the better know their duties to God, to their sovereign [lady the queen [6],] and their neighbour; ever gently and charitably exhorting them, and in [her [7]] majesty's name straitly charging and commanding them, that in the reading thereof, no man to reason or contend, but quietly to hear the reader.

7. All persons to lead exemplary lives.

9. VII. Also, the said ecclesiastical persons shall in no wise at any unlawful time, nor for any other cause, than for their honest necessities, haunt or resort to any taverns or alehouses. And after their [meats [8],] they shall not give themselves to drinking or riot, spending their time idly by day [and [9]] by night at dice, cards, or tables playing, or

[1] Om. [2] which books.
[3] rateably borne between the parson and approprietary and parishioners aforesaid, that is to say the one half by the parson or proprietary, and the other half by the parishioners.
[4] authorized and licensed thereto. [5] comfort and.
[6] lord the king. [7] his. [8] dinner or supper. [9] or.

1559. any other unlawful game; but at all times, as they shall have leisure, they shall hear or read somewhat of Holy Scripture, or shall occupy themselves with some other honest [study, or[1]] exercise; and that they always do the things which appertain to honesty, and endeavour to profit the commonwealth; having always in mind that they ought to excel all other in purity of life, and should be [examples[2]] to the people to live well and Christianly.

8. All preachers to be duly licensed.

VIII. Also, that they shall admit no man to preach within any their cures, but such as shall appear unto them to be sufficiently licensed thereunto by the [queen's majesty, or[3]] the Archbishop of Canterbury or the Archbishop of York, in [either their provinces[4],] or by the bishop of the diocese, [or by the queen's majesty's visitors[1]]. And such as shall be so licensed, they shall gladly receive to declare the word of God at convenient times, without any resistance or contradiction. [And that no other be suffered to preach out of his own cure or parish, than such as shall be licensed, as is above expressed[1].]

9. Recusants to be denounced.

IX. Also, if they do or shall know any man within their parish or elsewhere, that is a letter of the word of God to be read in English, or sincerely preached, or of the execution of these the [queen's[5]] majesty's Injunctions, or a fautor of [any usurped and foreign[6]] power, now by the laws of this realm justly rejected and taken away, they shall detect and present the same to the [queen's majesty, or to her[7]] council, [or to the ordinary[1],] or to the justice of peace next adjoining.

10. Register books to be kept in a parish chest.

X. Also, that the parson, vicar, or curate, and parishioners of every parish within this realm, shall in their churches and chapels keep one book or register, wherein they shall

[1] Om. [2] an example.
[3] king's majesty the lord protector's grace. [4] his province.
[5] king's. [6] the Bishop of Rome's pretensed.
[7] king or.

write the day and year of every wedding, christening, and burial made within their parish for their time, and so every man succeeding them likewise; and also therein shall write every person's name that shall be so wedded, christened, and buried. And for the safe keeping of the same book, the parish shall be bound to provide of their common charges one sure coffer, with two locks and keys, whereof the one to remain with the parson, vicar, or curate, and the other with the wardens of every parish church or chapel, wherein the said book shall be laid up. Which book they shall every Sunday take forth, and in the presence of the said wardens, or one of them, write and record in the same all the weddings, christenings, and burials, made the whole week before; and that done, to lay up the book in the said coffer as before: and for every time that the same shall be omitted, the party that shall be in the fault thereof shall forfeit to the said church 3*s.* 4*d.*, to be employed [the one half[1]] to the poor men's box of that parish, [the other half towards the repairing of the church[1]]. 1559.

5. XI. Furthermore, because the goods of the Church are called the goods of the poor, and at these days nothing is less seen, than the poor to be sustained with the same; all parsons, vicars, pensionaries, prebendaries, and other beneficed men within this deanery, not being resident upon their benefices, which may dispend yearly 20*l.* or above, either within this deanery, or elsewhere, shall distribute hereafter among their poor parishioners, or other inhabitants there, in the presence of the churchwardens, or some other honest man of the parish, the fortieth part of the fruits and revenues of their said [benefice[2];] lest they be worthily noted of ingratitude, which reserving so many parts to themselves, cannot vouchsafe to impart the fortieth portion thereof among the poor people of that parish, that is so fruitful and profitable unto them. 11. Incumbents to give to the poor in proportion to their benefice.

[1] Om. [2] benefices.

1559.

12. Incumbents are to support exhibitioners.

XII. And, to the intent that learned men may hereafter 16. spring, the more for the execution of the premises, every parson, vicar, clerk, or beneficed man within this deanery, having yearly to dispend in benefices and other promotions of the Church 100*l.*, shall give [3*l.* 6*s.* 8*d.* in[1]] exhibition to one scholar [in any of the universities[2];] and for as many hundred pounds more as he may dispend, to so many scholars more shall give like exhibition in the University of Oxford or Cambridge, or some grammar school, which, after they have profited in good learning, may be partners of their patron's cure and charge, as well in preaching, as otherwise in executing of their offices, or may, when need shall be, otherwise profit the commonweal with their counsel and wisdom.

13. Chancel and houses to be repaired by the incumbent.

XIII. Also, that [all[3]] proprietaries, parsons, vicars, and 17. clerks, having churches, chapels, or mansions within this deanery, shall bestow yearly hereafter upon the same mansions or chancels of their churches, being in decay, the fifth part of that their benefices, till they be fully repaired, and[4] shall always keep and maintain in good estate.

14. The Injunctions to be read regularly.

XIV. Also, that the said parsons, vicars, and clerks 18. shall once every quarter of the year read these Injunctions given unto them, openly and deliberately before all their parishioners at one time, or at two several times in one day; to the intent that both they may be the better admonished of their duty, and their said parishioners the more moved to follow the same for their part.

15. Tithes to be paid duly.

XV. Also, forasmuch as by [laws[5]] established, every 19. man is bound to pay his tithes, no man shall by colour of duty omitted by their curates, detain their tithes and so[6] requite one wrong with another, or be his own judge; but shall truly pay the same, as[7] hath been accustomed, to

[1] competent. [2] Om. [3] the.
[4] the same so repaired. [5] a law. [6] redub and. [7] he.

their parsons, vicars, and curates, without any restraint or diminution; and such lack and default as they can justly find in their parsons and curates, to call for reformation thereof at their ordinaries and other superiors[1], who, upon complaint and due proof thereof, shall reform the same accordingly. 1559.

21. XVI. Also, that every parson, vicar, curate, [and stipendiary priest[2],] being under the degree of a [master of art[3],] shall provide and have of his own, within three months after this visitation, the New Testament both in Latin and in English, with [paraphrases upon the same[4],] conferring the one with the other. And the bishops and other ordinaries by themselves or their officers, in their synods and visitations, shall examine the said ecclesiastical persons, how they have profited in the study of Holy Scripture. 16. All clergy under B.D. to provide Latin and English New Testament and Paraphrases.

23. XVII. Also, that the vice of damnable despair may be clearly taken away, and that firm belief and steadfast hope may be surely conceived of all their parishioners, being in any danger; they shall learn and have always in a readiness such comfortable places and sentences of Scripture, as do set forth the mercy, benefits, and goodness of Almighty God towards all penitent and believing persons; that they may at all times when necessity shall require, promptly comfort their flock with the lively word of God, which is the only stay of man's conscience[5]. 17. The clergy to learn suitable Scripture for pastoral visitation.

24. XVIII. Also, to avoid all contention and strife, which heretofore hath risen among the queen's majesty's subjects in sundry places of her realms and dominions, by reason of fond courtesy, and challenging of places in procession; and also that they may the more quietly hear that which is said or sung to their edifying, they shall not from henceforth 18. The Litany substituted for all processions save at beating the bounds.

[1] hands. [2] chantry priest and stipendiary.
[3] Bachelor of Divinity.
[4] the Paraphrase upon the same of Erasmus.
[5] Condensed from 23 Ed. VI.

1559. in any parish church at any time use any procession about the church or churchyard, or other place; but immediately before [the time of communion of the Sacrament[1],] the priests with other of the quire shall kneel in the midst of the church, and sing or say plainly and distinctly the Litany, which is set forth in English, with all the suffrages following, to the intent the people may hear and answer; and none other procession or litany to be had or used, but the said Litany in English, adding nothing thereto, but as [it is now appointed[2]]. And in cathedral or collegiate churches the same shall be done in such places, and in such sort, as our commissioners in our visitation shall appoint. And in the time of the Litany, of the [common prayer[3],] of the sermon, and when the priest readeth the Scripture to the parishioners, no manner of persons, without a just and urgent cause, shall [use any walking in the church, nor shall[4]] depart out of the church; and all ringing and knolling of bells shall be utterly forborne at that time, except one bell at convenient time to be rung or knolled before the sermon. [But yet for retaining of the perambulation of the circuits of parishes, they shall once in the year at the time accustomed, with the curate and substantial men of the parish, walk about their parishes, as they were accustomed, and at their return to the church, make their common prayers[4].]

19. Rogations to be observed.

XIX. Provided, that the curate in their said common perambulations, used heretofore in the days of rogations, at certain convenient places shall admonish the people to give thanks to God, in the beholding of God's benefits, for the increase and abundance of His fruits upon the face of the earth, with the saying of the 103rd Psalm, '*Benedic anima mea,*' &c. At which time also the same minister shall inculcate these or such sentences: 'Cursed be he, which

[1] high Mass.
[2] our commissaries in our visitation shall appoint.
[3] Mass. [4] Om.

translateth the bounds and doles of his neighbour.' Or such other order of prayers, as shall be hereafter appointed [1]. 1559.

25. XX. Item [2], all the [queen's [3]] faithful and loving subjects shall from henceforth celebrate and keep their holy day according to God's [4] will and pleasure; that is, in hearing the word of God read and taught, in private and public prayers, in knowledging their offences to God, and amendment of the same, in reconciling themselves charitably to their neighbours, where displeasure hath been, in oftentimes receiving the communion of the very Body and Blood of Christ, in visiting of the poor and sick, using all soberness and godly conversation. Yet notwithstanding, all parsons, vicars, and curates shall teach and declare unto their parishioners, that they may with a safe and quiet conscience, after their common prayer in the time of harvest, labour upon the holy and festival days, and save that thing which God hath sent; and if for any scrupulosity or grudge of conscience, men should superstitiously abstain from working upon those days, that then they should grievously offend and displease God. 20. Sunday to be suitably observed.

26. XXI. Also, forasmuch as variance and contention is a thing that most displeases God, and is most contrary to the blessed communion of the Body and Blood of our Saviour Christ, curates shall in no wise admit to the receiving thereof any of their cure and flock, [which be openly known 21. Notorious sinners, &c., not to be admitted to Holy Communion.

[1] New.

[2] Ed. VI adds, 'Like as the people be commonly occupied the work-day, with bodily labour, for their bodily sustenance, so was the holy day at the first beginning godly instituted and ordained, that the people should that day give themselves wholly to God. And whereas in our time, God is more offended than pleased, more dishonoured than honoured upon the holy day, because of idleness, pride, drunkenness, quarrelling and brawling, which are most used in such days, people nevertheless persuading themselves sufficiently to honour God on that day, if they hear Mass and service, though they understand nothing to their edifying: therefore.'

[3] king's. [4] holy.

1559. to live in sin notorious without repentance, or[1]] who hath maliciously and openly contended with his neighbour, unless the same do first charitably and openly reconcile himself again, remitting all rancour and malice, whatsoever controversy hath been between them. And nevertheless, their just titles and rights they may charitably prosecute before such as have authority to hear the same.

22. Church ceremonies to be taught as obligatory.

XXII. Also, that they shall instruct and teach in their 28. cures, that no man ought obstinately and maliciously to break and violate the laudable ceremonies of the Church, [commanded by public authority to be observed[2]].

23. Shrines, &c., to be removed.

XXIII. Also, that they shall take away, utterly extinct, 29. and destroy all shrines, coverings of shrines, all tables, candlesticks, trindals, and rolls of wax, pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry, and superstition, so that there remain no memory of the same in walls, glass windows, or elsewhere within their churches and houses; [preserving nevertheless, or repairing both the walls and glass windows[1];] and they shall exhort all their parishioners to do the like within their several houses.

24. A pulpit to be provided.

XXIV. And that the churchwardens, at the common 29.

[1] Om.

[2] Ed. VI adds, 'by the king commanded to be observed, and as yet not abrogated. And on the other side, that whosoever doth superstitiously abuse them, doth the same to the great peril and danger of his soul's health: as in casting holy water upon his bed, upon images, and other dead things, or bearing about him holy bread, or St. John's Gospel, or making of crosses of wood upon Palm Sunday, in time of reading of the Passion, or keeping of private holy days, as bakers, brewers, smiths, shoemakers, and such other do; or ringing of holy bells; or blessing with the holy candle, to the intent thereby to be discharged of the burden of sin, or to drive away devils, or to put away dreams and phantasies, or in putting trust and confidence of health and salvation in the same ceremonies, when they be only ordained, instituted, and made, to put us in remembrance of the benefits which we have received by Christ. And if he use them for any other purpose, he grievously offendeth God.'

charge of the parishioners, in every church shall provide a comely and honest pulpit, to be set in a convenient place within the same, [and to be there seemly kept[1]] for the preaching of God's word. 1559.

30. XXV. Also, they shall provide and have within three months after this visitation, a strong chest with a hole in the upper part thereof, to be provided at the cost and charge of the parish, having three keys, whereof one shall remain in the custody of the parson, vicar, or curate, and the other two in the custody of the churchwardens, or any other two honest men, to be appointed by the parish from year to year; which chest you shall set and fasten [in a most convenient place[2],] to the intent the parishioners should put into it their oblations and alms for their poor neighbours. And the parson, vicar, and curate shall diligently from time to time, and especially when men make their testaments, call upon, exhort, and move their neighbours to confer and give, as they may well spare, to the said chest: declaring unto them, whereas heretofore they have been diligent to bestow much substance, otherwise than God commanded, upon pardons, pilgrimages, trentals, decking of images, offering of candles, giving to friars, and upon other like blind devotions, they ought at this time to be much more ready to help the poor and needy; knowing that to relieve the poor is a true worshipping of God, required earnestly upon pain of everlasting damnation; and that also whatsoever is given for their comfort, is given to Christ Himself, and so is accepted of Him, that He will mercifully reward the same with everlasting life. The which alms and devotion of the people the keepers of the keys shall at times convenient take out of the chest, and distribute the same in the presence of the whole parish, or six of them, to be truly and faithfully delivered to their most needy neighbours; and if

25. An alms chest to be supplied, and alms to be distributed. Guild moneys to be so applied.

[1] to be set in a convenient place within the same.

[2] near unto the high altar.

1559. they be provided for, then to the reparation of highways next adjoining, [or to the poor people of such parishes near, as shall be thought best to the said keepers of the keys [1]]. And also the money which rise of fraternities, guilds, and other stocks of the Church (except by the [queen's [2]] majesty's authority it be otherwise appointed) shall be put in the said chest, and converted to the said use; and also the rents of lands, the profit of cattle, and money given or bequeathed [to obits and dirges, and [1]] to the finding of torches, lights, tapers, and lamps, shall be converted to the said use; saving that it shall be lawful for them to bestow part of the said profits upon the reparation of the said church, if great need require, and whereas the parish is very poor, and not able otherwise to repair the same.

26. Concerning simony.

XXVI. Also, to avoid the detestable sin of simony, because buying and selling of benefices is execrable before God, therefore all such persons, as buy any benefices, or come to them by fraud or deceit, shall be deprived of such benefices, and be made unable at any time after to receive any other spiritual promotion; and such as do sell them, or by any colour do bestow them for their own gain and profit, shall lose their right and title of patronage and presentment for that time, and the gift thereof for that vacation shall appertain to the [queen's [2]] majesty. 32.

27. Homilies to be read.

XXVII. Also, because through lack of preachers in many places of the [queen's [2]] realms and dominions the people continue in ignorance and blindness, all parsons, vicars, and curates shall read in their churches every Sunday one of the Homilies, which are and shall be set forth for the same purpose by the [queen's [2]] authority, in such sort, as they shall be appointed to do in the preface of the same. 33.

29. Concerning due respect for the clergy.

XXVIII. Item, whereas many indiscreet persons do at this day uncharitably contemn and abuse priests and ministers of the Church, because some of them (having small 34.

[1] Om. [2] king's.

learning) have of long time favoured fond phantasies rather than God's truth; yet forasmuch as their office and function is appointed of God, the [queen's [1]] majesty willeth and chargeth all [her [2]] loving subjects, that from henceforth they shall use them charitably and reverently for their office and ministration sake, and especially such as labour in the setting forth of God's holy word. 1559.

XXIX [3]. Item, although there be no prohibition by the word of God, nor any example of the primitive Church, but that the priests and ministers of the Church may lawfully, for the avoiding of fornication, have an honest and sober wife, and that for the same purpose the same was by Act of Parliament in the time of our dear brother King Edward VI made lawful, whereupon a great number of the clergy of this realm were then married, and so yet continue; yet because there hath grown offence, and some slander to the Church by lack of discreet and sober behaviour in many ministers of the Church, both in choosing of their wives and indiscreet living with them, the remedy whereof is necessary to be sought: it is thought, therefore, very necessary that no manner of priest or deacon shall hereafter take to his wife any manner of woman without the advice and allowance first had upon good examination by the bishop of the same diocese, and two justices of the peace of the same shire, dwelling next to the place where the same woman hath made her most abode before her marriage; nor without the good will of the parents of the said woman, if she have any living, or two of the next of her kinsfolks, or, for lack of knowledge of such, of her master or mistress, where she serveth. And before he shall be contracted in any place, he shall make a good and certain proof thereof to the minister, or to the congregation assembled for that purpose, 29. Regulations concerning the marriage of the clergy.

[1] king's. [2] his.

[3] From this point the Injunctions are either new, or re-enactments of customs and regulations later than 1547.

1559. which shall be upon some holy day, where divers may be present. And if any shall do otherwise, that then they shall not be permitted to minister either the word or the sacraments of the Church, nor shall be capable of any ecclesiastical benefice. And for the manner of marriages of any bishops, the same shall be allowed and approved by the metropolitan of the province, and also by such commissioners as the queen's majesty shall thereunto appoint. And if any master or dean, or any head of any college, shall purpose to marry, the same shall not be allowed, but by such to whom the visitation of the same doth properly belong, who shall in any wise provide that the same tend not to the hindrance of their house.

30. The clergy to be properly apparelled.

XXX. Item, her majesty being desirous to have the prelacy and clergy of this realm to be had as well in outward reverence, as otherwise regarded for the worthiness of their ministries, and thinking it necessary to have them known to the people in all places and assemblies, both in the church and without, and thereby to receive the honour and estimation due to the special messengers and ministers of Almighty God, wills and commands that all archbishops and bishops, and all other that be called or admitted to preaching or ministry of the sacraments, or that be admitted into any vocation ecclesiastical, or into any society of learning in either of the universities, or elsewhere, shall use and wear such seemly habits, garments, and such square caps, as were most commonly and orderly received in the latter year of the reign of King Edward VI; not thereby meaning to attribute any holiness or special worthiness to the said garments, but as St. Paul writeth: *Omnia decenter et secundum ordinem fiant.* 1 Cor. 14 cap.

31. Heresy and error not to be maintained.

XXXI. Item, that no man shall wilfully and obstinately defend or maintain any heresies, errors, or false doctrine, contrary to the faith of Christ and His Holy Spirit.

XXXII. Item, that no persons shall use charms, sor-

ceries, enchantments, witchcraft, soothsaying, or any such-like devilish device, nor shall resort at any time to the same for counsel or help. 1559. 32. Charms, &c., forbidden.

XXXIII. Item, that no persons shall, neglecting their own parish church, resort to any other church in time of common prayer or preaching, except it be by the occasion of some extraordinary sermon in some parish of the same town. 33. Parishioners to attend their parish church.

XXXIV. Item, that no innholders or alehouse-keepers shall use to sell meat or drink in the time of common prayer, preaching, reading of the Homilies or Scriptures. 34. No inns to sell in time of public worship.

XXXV. Item, that no persons keep in their houses any abused images, tables, pictures, paintings, and other monuments of feigned miracles, pilgrimages, idolatry, and superstition. 35. Images, &c., not to be kept privately.

XXXVI. Item, that no man shall willingly let or disturb the preacher in time of his sermon, or let or discourage any curate or minister to sing or say the divine service now set forth; nor mock or jest at the ministers of such service. 36 Preachers not to be disturbed.

XXXVII. Item, that no man shall talk or reason of the Holy Scriptures rashly or contentiously, nor maintain any false doctrine or error, but shall commune of the same, when occasion is given, reverently, humbly, and in the fear of God, for his comfort and better understanding. 37. Rash use of Scripture forbidden.

XXXVIII. Item, that no man, woman, or child shall be otherwise occupied in the time of the service, than in quiet attendance to hear, mark, and understand that is read, preached, and ministered. 38. Orderly behaviour in church.

XXXIX. Item, that every schoolmaster and teacher shall teach the Grammar set forth by King Henry VIII of noble memory, and continued in the time of King Edward VI, and none other. 39. Of the use of the Primer.

XL. Item, that no man shall take upon him to teach, but such as shall be allowed by the ordinary, and found meet as 40. Teachers to be properly qualified.

1559. well for his learning and dexterity in teaching, as for sober and honest conversation, and also for right understanding of God's true religion.

41. Teaching of children. XLI. Item, that all teachers of children shall stir and move them to the love and due reverence of God's true religion now truly set forth by public authority.

42. Scripture to be learnt by them. XLII. Item, that they shall accustom their scholars reverently to learn such sentences of Scriptures as shall be most expedient to induce them to all godliness.

43. Irregular priests not to be admitted. XLIII. Item, forasmuch as in these latter days many have been made priests, being children, and otherwise utterly unlearned, so that they could read to say Matins or Mass, the ordinaries shall not admit any such to any cure or spiritual function.

44. Of catechisms in church. XLIV. Every parson, vicar, and curate shall upon every holy day, and every second Sunday in the year, hear and instruct all the youth of the parish for half an hour at the least before evening prayer, in the Ten Commandments, the Articles of the Belief, and in the Lord's Prayer, and diligently examine them, and teach the Catechism set forth in the book of public prayer.

45. The cause of religious suffering to be certified. XLV. Item, that the ordinary do exhibit unto our visitors their books, or a true copy of the same, containing the causes why any person was imprisoned, famished, or put to death for religion.

46. Overseers for church attendance to be appointed. XLVI. Item, that in every parish three or four discreet men, which tender God's glory, and His true religion, shall be appointed by the ordinaries diligently to see that all the parishioners duly resort to their church upon all Sundays and holy days, and there to continue the whole time of the godly service; and all such as shall be found slack or negligent in resorting to the church, having no great nor urgent cause of absence, they shall straitly call upon them, and after due admonition if they amend not, they shall denounce them to the ordinary.

XLVII. Item, that the churchwardens of every parish shall deliver unto our visitors the inventories of vestments, copes, and other ornaments, plate, books, and specially of grails, couchers, legends, processionals, manuals, hymnals, portasses, and such like appertaining to their church. 1559. 47. Inventories of church furniture to be delivered.

XLVIII. Item, that weekly upon Wednesdays and Fridays, not being holy days, the curate at the accustomed hours of service shall resort to church, and cause warning to be given to the people by knolling of a bell, and say the Litany and prayers. 48. Services for Wednesday and Friday.

XLIX. Item, because in divers collegiate and also some parish churches heretofore there have been livings appointed for the maintenance of men and children to use singing in the church, by means whereof the laudable science of music has been had in estimation, and preserved in knowledge; the queen's majesty neither meaning in any wise the decay of anything that might conveniently tend to the use and continuance of the said science, neither to have the same in any part so abused in the church, that thereby the common prayer should be the worse understanded of the hearers, wills and commands, that first no alterations be made of such assignments of living, as heretofore has been appointed to the use of singing or music in the church, but that the same so remain. And that there be a modest and distinct song so used in all parts of the common prayers in the church, that the same may be as plainly understanded, as if it were read without singing; and yet nevertheless for the comforting of such that delight in music, it may be permitted, that in the beginning, or in the end of common prayers, either at morning or evening, there may be sung an hymn, or suchlike song to the praise of Almighty God, in the best sort of melody and music that may be conveniently devised, having respect that the sentence of the hymn may be understanded and perceived. 49. Choral foundations to be kept. The service to be daily sung. A hymn to be allowed.

L. Item, because in all alterations, and specially in rites 50. Religious dis-

1559. putation is forbidden.

and ceremonies, there happen discords amongst the people, and thereupon slanderous words and railings, whereby charity, the knot of all Christian society, is loosed; the queen's majesty being most desirous of all other earthly things, that her people should live in charity both towards God and man, and therein abound in good works, wills and straitly commands all manner her subjects to forbear all vain and contentious disputations in matters of religion, and not to use in despite or rebuke of any person these convicious words, papist or papistical heretic, schismatic or sacramentary, or any suchlike words of reproach. But if any manner of person shall deserve the accusation of any such, that first he be charitably admonished thereof; and if that shall not amend him, then to denounce the offender to the ordinary, or to some higher power having authority to correct the same.

51. Printing to be licensed under penalty.

LI. Item, because there is a great abuse in the printers of books, which for covetousness chiefly regard not what they print, so they may have gain, whereby ariseth great disorder by publication of unfruitful, vain, and infamous books and papers; the queen's majesty straitly charges and commands, that no manner of person shall print any manner of book or paper, of what sort, nature, or in what language soever it be, except the same be first licensed by her majesty by express words in writing, or by six of her privy council; or be perused and licensed by the archbishops of Canterbury and York, the Bishop of London, the chancellors of both universities, the bishop being ordinary, and the archdeacon also of the place, where any such shall be printed, or by two of them, whereof the ordinary of the place to be always one. And that the names of such as shall allow the same to be added in the end of every such work, for a testimony of the allowance thereof. And because many pamphlets, plays, and ballads be oftentimes printed, wherein regard would be had that nothing therein should be

either heretical, seditious, or unseemly for Christian ears; her majesty likewise commands that no manner of person shall enterprise to print any such, except the same be to him licensed by such her majesty's commissioners, or three of them, as be appointed in the city of London to hear and determine divers causes ecclesiastical, tending to the execution of certain statutes made the last Parliament for uniformity of order in religion. And if any shall sell or utter any manner of books or papers, being not licensed as is above-said, that the same party shall be punished by order of the said commissioners, as to the quality of the fault shall be thought meet. And touching all other books of matters of religion, or policy, or governance that have been printed, either on this side the seas or on the other side, because the diversity of them is great, and that there needs good consideration to be had of the particularities thereof, her majesty refers the prohibition or permission thereof to the order which her said commissioners within the city of London shall take and notify. According to the which her majesty straitly commands all manner her subjects, and especially the wardens and company of Stationers, to be obedient. 1559.

Provided that these orders do not extend to any profane authors and works in any language, that have been heretofore commonly received or allowed in any the universities or schools, but the same may be printed and used as by good order they were accustomed.

LII. Item, although Almighty God is at all times to be honoured with all manner of reverence that may be devised; yet of all other times, in time of common prayer the same is most to be regarded; therefore it is to be necessarily received, that in time of the Litany, and all other collects and common supplications to Almighty God, all manner of people shall devoutly and humbly kneel upon their knees and give ear thereunto; and that whensoever the name of Jesus shall be in any lesson, sermon, or otherwise in the

52. Of reverence in worship and bowing at the Holy Name.

1559. church pronounced, that due reverence be made of all persons young and old, with lowliness of courtesy and uncovering of heads of the menkind, as thereunto does necessarily belong, and heretofore has been accustomed.

53. All readers to read distinctly.

LIII. Item, that all ministers and readers of public prayers, chapters, and homilies shall be charged to read leisurely, plainly, and distinctly; and also such as are but mean readers shall peruse over before, once or twice, the chapters and homilies, to the intent they may read to the better understanding of the people, and the more encouragement to godliness.

An admonition to simple men deceived by malicious.

The Oath of Supremacy explained

The queen's majesty being informed that in certain places of this realm, sundry of her native subjects, being called to ecclesiastical ministry of the Church, be by sinister persuasion and perverse construction induced to find some scruple in the form of an oath, which by an Act of the last Parliament is prescribed to be required of divers persons for their recognition of their allegiance to her majesty, which certainly never was ever meant, nor by any equity of words or good sense can be thereof gathered—would that all her loving subjects should understand that nothing was, is, or shall be meant or intended by the same oath to have any other duty, allegiance, or bond required by the same oath, than was acknowledged to be due to the most noble kings of famous memory, King Henry VIII, her majesty's father, or King Edward VI, her majesty's brother.

as involving nothing new,

And further, her majesty forbids all manner her subjects to give ear or credit to such perverse and malicious persons, which most sinisterly and maliciously labour to notify to her loving subjects, how by the words of the said oath it may be collected, that the kings or queens of this realm,

whilst sinister reports

possessors of the crown, may challenge authority and power of ministry of divine offices in the church; wherein her said subjects be much abused by such evil-disposed persons. For certainly her majesty neither does nor ever will challenge any other authority than that was challenged and lately used by the said noble kings of famous memory, King Henry VIII and King Edward VI, which is and was of ancient time due to the imperial crown of this realm; that is, under God to have the sovereignty and rule over all manner persons born within these her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, soever they be, so as no other foreign power shall or ought to have any superiority over them. And if any person that has conceived any other sense of the form of the said oath shall accept the same oath with this interpretation, sense, or meaning, her majesty is well pleased to accept every such in that behalf, as her good and obedient subjects, and shall acquit them of all manner penalties contained in the said Act against such as shall peremptorily or obstinately refuse to take the same oath.

1559. are not to be heard as to the queen's intentions.

For tables in the church.

Whereas her majesty understands that in many and sundry parts of the realm the altars of the churches be removed, and tables placed for administration of the Holy Sacrament, according to the form of the law therefor provided; and in some other places the altars be not yet removed, upon opinion conceived of some other order therein to be taken by her majesty's visitors; in the order whereof, saving for an uniformity, there seems no matter of great moment, so that the Sacrament be duly and reverently ministered; yet for observation of one uniformity through the whole realm, and for the better imitation of the law in that behalf, it is ordered that no altar be taken down, but by oversight of the curate of the church, and the church-

No altar is to be taken down without proper supervision.

1559. wardens, or one of them at the least, wherein no riotous or disordered manner to be used. And that the holy table in every church be decently made, and set in the place where the altar stood, and there commonly covered, as thereto belongs, and as shall be appointed by the visitors, and so to stand, saving when the communion of the Sacrament is to be distributed; at which time the same shall be so placed in good sort within the chancel, as whereby the minister may be more conveniently heard of the communicants in his prayer and ministration, and the communicants also more conveniently and in more number communicate with the said minister. And after the communion done, from time to time the same holy table to be placed where it stood before.

The holy table to stand where the altar stood, saving at the celebration.

Item, where also it was in the time of King Edward VI used to have the sacramental bread of common fine bread, it is ordered for the more reverence to be given to these holy mysteries, being the sacraments of the Body and Blood of our Saviour Jesus Christ, that the same sacramental bread be made and formed plain, without any figure thereupon, of the same fineness and fashion round, though somewhat bigger in compass and thickness, as the usual bread and water, heretofore named singing cakes, which served for the use of the private Mass.

Regulations for the sacramental bread.

The form of bidding the prayers to be used generally in this uniform sort.

Ye shall pray for Christ's Holy Catholic Church, that is for the whole congregation of Christian people dispersed throughout the whole world, and especially for the Church of England and Ireland. And herein I require you most specially to pray for the queen's most excellent majesty, our sovereign lady Elizabeth, queen of England, France, and Ireland, defender of the faith, and supreme governor of this

realm as well in causes ecclesiastical as temporal. You shall also pray for the ministers of God's holy word and sacraments, as well archbishops and bishops, as other pastors and curates. You shall also pray for the queen's most honourable council and for all the nobility of this realm, that all and every of these in their calling, may serve truly and painfully to the glory of God and edifying of His people, remembering the account that they must make. Also ye shall pray for the whole Commons of this realm, that they may live in true faith and fear of God, in humble obedience and brotherly charity one to another. Finally, let us praise God for all those that are departed out of this life in the faith of Christ, and pray unto God that we have grace for to direct our lives after their good example, that after this life we with them may be made partakers of the glorious resurrection in the life everlasting. 1559.

And this done, show the holy-days and fasting days.

All which and singular Injunctions[1] the queen's majesty ministers unto her clergy and to all other her loving subjects, straitly charging and commanding them to observe and keep the same upon pain of deprivation, sequestration of fruits and benefices, suspension, excommunication, and such other coercion, as to ordinaries, or other having ecclesiastical jurisdiction, whom her majesty has appointed, or shall appoint for the due execution of the same, shall be seen convenient; charging and commanding them to see these Injunctions observed and kept of all persons being under their jurisdiction, as they will answer to her majesty

The ratification of the Injunctions.

[1] The archbishops and bishops afterwards drew up 'Interpretations and further Considerations' of these Injunctions for the better direction of the clergy, which may be seen collated with the text of the Injunctions here given in Cardwell's *Documentary Annals*, i. 203-209.

1559. for the contrary. And her highness's pleasure is, that every justice of peace being required, shall assist the ordinaries, and every of them, for the due execution of the said Injunctions.

LXXIX.

ELIZABETH'S SUPREMACY ACT, RESTORING ANCIENT JURISDICTION, A. D. 1559.

1 ELIZABETH, CAP. 1.

1559. THIS Act—frequently referred to in the introductory words to previous documents—was passed in April, 1559. It *revives* ten Acts subsequent to 22 Hen. VIII, and one of Edward VI; it *confirms* the repeal of six Acts of Henry VIII, and *repeals* the Heresy Act of Philip and Mary (*ante*, No. LXXV) and the repealing Statute of those sovereigns (*ante*, No. LXXVI).

[Transcr. Statutes of the Realm, iv. pt. i. p. 350.]

Recital of proceedings under Henry VIII and Mary in making and repealing laws dealing with ecclesiastical matters.

Most humbly beseech your most excellent majesty, your faithful and obedient subjects, the Lords spiritual and temporal, and the Commons, in this your present Parliament assembled, that where in time of the reign of your most dear father, of worthy memory, King Henry VIII, divers good laws and statutes were made and established, as well for the utter extinguishment and putting away of all usurped and foreign powers and authorities out of this your realm, and other your highness's dominions and countries, as also for the restoring and uniting to the imperial crown of this realm the ancient jurisdictions, authorities, superiorities, and pre-eminences to the same of right belonging and appertaining, by reason whereof we, your most humble and obedient subjects, from the five-and-twentieth year of the reign of your said dear father, were continually kept in good order, and were disburdened of divers great and intolerable charges and exactions before that time unlawfully taken and exacted by such foreign power and authority as before

that was usurped, until such time as all the said good laws and statutes, by one Act of Parliament made in the first and second years of the reigns of the late King Philip and Queen Mary, your highness's sister, intituled an Act repealing all statutes, articles, and provisions made against the See Apostolic of Rome since the twentieth year of King Henry VIII, and also for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity, were all clearly repealed and made void, as by the same Act of repeal more at large does and may appear; by reason of which Act of repeal, your said humble subjects were eftsoons brought under an usurped foreign power and authority, and do yet remain in that bondage, to the intolerable charges of your loving subjects, if some redress, by the authority of this your High Court of Parliament, with the assent of your highness, be not had and provided: 1559.

May it therefore please your highness, for the repressing of the said usurped foreign power and the restoring of the rites, jurisdictions, and pre-eminences appertaining to the imperial crown of this your realm, that it may be enacted by the authority of this present Parliament, that the said Act made in the said first and second years of the reigns of the said late King Philip and Queen Mary, and all and every branch, clauses, and articles therein contained (other than such branches, clauses, and sentences as hereafter shall be excepted) may, from the last day of this session of Parliament, by authority of this present Parliament, be repealed, and shall from thenceforth be utterly void and of none effect. Repeal of Mary's Act of repeal (*ante*, No. LXXVI).

And that also for the reviving of divers of the said good laws and statutes made in the time of your said dear father, it may also please your highness, that one Act and statute made in the twenty-third year of the reign of the said late King Henry VIII, intituled, An Act that no person shall be Revival of the following statutes; 23 Hen. VIII, c. 9.

1559. cited out of the diocese wherein he or she dwells, except in certain cases;

24 Hen. VIII, c. 12 (*ante*, No. L). And one other Act made in the twenty-fourth year of the reign of the said late King, intituled, An Act that appeals in such cases as have been used to be pursued to the see of Rome shall not be from henceforth had nor used, but within this realm;

23 Hen. VIII, c. 20 (*ante*, No. XLIX). And one other Act made in the twenty-fifth[1] year of the said late King, concerning restraint of payment of annates and firstfruits of archbishoprics and bishoprics to the see of Rome;

25 Hen. VIII, c. 19 (*ante*, No. LI). And one other Act in the said twenty-fifth year, intituled, An Act concerning the submission of the clergy to the king's majesty;

25 Hen. VIII, c. 20 (*ante*, No. LII). And also one Act made in the said twenty-fifth year, intituled, An Act restraining the payment of annates or firstfruits to the Bishop of Rome, and of the electing and consecrating of archbishops and bishops within this realm;

25 Hen. VIII, c. 21 (*ante*, No. LIII). And one other Act made in the said twenty-fifth year, intituled, An Act concerning the exoneration of the king's subjects from exactions and impositions heretofore paid to the see of Rome, and for having licences and dispensations within this realm, without suing further for the same;

26 Hen. VIII, c. 14 (*ante*, No. LIX). And one other Act made in the twenty-sixth year of the said late king, intituled, An Act for nomination and consecration of suffragans within this realm;

28 Hen. VIII, c. 16. And also one other Act made in the twenty-eighth year of the reign of the said late king, intituled, An Act for the release of such as have obtained pretended licences and dispensations from the see of Rome;

And all and every branches, words, and sentences in the said several Acts and statutes contained, by authority of this present Parliament, from and at all times after the

[1] This Act, printed as 23 Hen. VIII, cap. 20, did not receive the Royal Assent till 25 Hen. VIII.

last day of this session of Parliament, shall be revived, and shall stand and be in full force and strength, to all intents, constructions, and purposes. 1559.

And that the branches, sentences, and words of the said several Acts, and every of them, from thenceforth shall and may be judged, deemed, and taken to extend to your highness, your heirs and successors, as fully and largely as ever the same Acts, or any of them, did extend to the said late King Henry VIII, your highness's father. The words of these statutes to apply absolutely to the new queen.

And that it may also please your highness, that it may be enacted by the authority of this present Parliament, that so much of one Act or statute made in the thirty-second year of the reign of your said dear father King Henry VIII, intituled, An Act concerning precontracts of marriages, and touching degrees of consanguinity, as in the time of the late King Edward VI, your highness's most dear brother, by one other Act or statute, was not repealed; and also one Act made in the thirty-seventh year of the reign of the said late King Henry VIII, intituled, An Act that doctors of the civil law, being married, may exercise ecclesiastical jurisdiction; and all and every branches and articles in the said two Acts last mentioned, and not repealed in the time of the said late King Edward VI, may from henceforth likewise stand and be revived, and remain in their full force and strength, to all intents and purposes; anything contained in the said Act of repeal before mentioned, or any other matter or cause to the contrary notwithstanding. Parts of the Act 32 Hen. VIII, c. 38, not repealed by 2 & 3 Edw. VI, c. 23, and the Act 37 Hen. VIII, c. 17, revived and enforced.

And that it may also please your highness, that it may be further enacted by the authority aforesaid, that all other laws and statutes, and the branches and clauses of any Act or statute, repealed and made void by the said Act of repeal, made in the time of the said late King Philip and Queen Mary, and not in this present Act specially mentioned and revived, shall stand, remain, and be repealed and void, in such like manner and form as they were before All statutes in Mary's Act of repeal not being here mentioned as being revived, shall continue repealed.

1559. the making of this Act; anything herein contained to the contrary notwithstanding.

Revival of the statute 1 Ed. VI, c. 1 (*ante*, No. LXVII), against revilers of the Sacrament.

And that it may also please your highness, that it may be enacted by the authority aforesaid, that one Act and statute made in the first year of the reign of the late King Edward VI, your majesty's most dear brother, intituled, An Act against such persons as shall unreverently speak against the Sacrament of the Body and Blood of Christ, commonly called the Sacrament of the altar, and for the receiving thereof under both kinds, and all and every branches, clauses, and sentences therein contained, shall and may likewise, from the last day of this session of Parliament, be revived, and from thenceforth shall and may stand, remain, and be in full force, strength, and effect, to all intents, constructions, and purposes, in such like manner and form as the same was at any time in the first year of the reign of the said late King Edward VI; any law, statute, or other matter to the contrary in any wise notwithstanding.

A repeal of the statute 1 & 2 Philip & Mary, c. 6 (*ante*, No. LXXV), reviving the Heresy Acts.

And that also it may please your highness, that it may be further established and enacted by the authority aforesaid, that one Act and statute made in the first and second years of the said late King Philip and Queen Mary, intituled, An Act for the reviving of three statutes made for the punishment of heresies, and also the said three statutes mentioned in the said Act, and by the same Act revived, and all and every branches, articles, clauses, and sentences contained in the said several Acts and statutes, and every of them, shall be from the last day of this session of Parliament deemed and remain utterly repealed, void, and of none effect, to all intents and purposes; anything in the said several Acts or any of them contained, or any other matter or cause to the contrary notwithstanding.

All foreign authority within the queen's

And to the intent that all usurped and foreign power and authority, spiritual and temporal, may for ever be clearly extinguished, and never to be used or obeyed within

this realm, or any other your majesty's dominions or countries, may it please your highness that it may be further enacted by the authority aforesaid, that no foreign prince, person, prelate, state, or potentate, spiritual or temporal, shall at any time after the last day of this session of Parliament, use, enjoy, or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence or privilege, spiritual or ecclesiastical, within this realm, or within any other your majesty's dominions or countries that now be, or hereafter shall be, but from thenceforth the same shall be clearly abolished out of this realm, and all other your highness's dominions for ever; any statute, ordinance, custom, constitutions, or any other matter or cause whatsoever to the contrary in any wise notwithstanding. 1559. dominions abolished.

And that also it may likewise please your highness, that it may be established and enacted by the authority aforesaid, that such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority have heretofore been, or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm. Ecclesiastical jurisdiction annexed to the crown.

And that your highness, your heirs and successors, kings or queens of this realm, shall have full power and authority by virtue of this Act, by letters patent under the great seal of England, to assign, name, and authorize, when and as often as your highness, your heirs or successors, shall think meet and convenient, and for such and so long time as shall please your highness, your heirs or successors, such person or persons being natural-born subjects to your highness, your heirs or successors, as your majesty, your heirs or successors, shall think meet, to exercise, use, occupy, and The queen may assign commissioners to exercise ecclesiastical jurisdiction.

1559. execute under your highness, your heirs and successors, all manner of jurisdictions, privileges, and pre-eminences, in any wise touching or concerning any spiritual or ecclesiastical jurisdiction, within these your realms of England and Ireland, or any other your highness's dominions or countries; and to visit, reform, redress, order, correct, and amend all such errors, heresies, schisms, abuses, offences, contempts, and enormities whatsoever, which by any manner spiritual or ecclesiastical power, authority, or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended, to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm, and that such person or persons so to be named, assigned, authorized, and appointed by your highness, your heirs or successors, after the said letters patent to him or them made and delivered, as is aforesaid, shall have full power and authority, by virtue of this Act, and of the said letters patent, under your highness, your heirs and successors, to exercise, use, and execute all the premises, according to the tenor and effect of the said letters patent; any matter or cause to the contrary in any wise notwithstanding.

By whom the oath of supremacy is to be taken.

And for the better observation and maintenance of this Act, may it please your highness that it may be further enacted by the authority aforesaid, that all and every archbishop, bishop, and all and every other ecclesiastical person, and other ecclesiastical officer and minister, of what estate, dignity, pre-eminence, or degree soever he or they be or shall be, and all and every temporal judge, justice, mayor, and other lay or temporal officer and minister, and every other person having your highness's fee or wages, within this realm, or any your highness's dominions, shall make, take, and receive a corporal oath upon the evangelist, before such person or persons as shall please your highness, your heirs or successors, under the great seal of England to

assign and name, to accept and to take the same according to the tenor and effect hereafter following, that is to say: 1559

'I, *A. B.*, do utterly testify and declare in my conscience, that the queen's highness is the only supreme governor of this realm, and of all other her highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal, and that no foreign prince, person, prelate, state or potentate, has, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities, and do promise that from henceforth I shall bear faith and true allegiance to the queen's highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities granted or belonging to the queen's highness, her heirs and successors, or united and annexed to the imperial crown of this realm. So help me God, and by the contents of this book.' Form of the oath.

And that it may be also enacted, that if any such archbishop, bishop, or other ecclesiastical officer or minister, or any of the said temporal judges, justiciaries, or other lay officer or minister, shall peremptorily or obstinately refuse to take or receive the said oath, that then he so refusing shall forfeit and lose, only during his life, all and every ecclesiastical and spiritual promotion, benefice, and office, and every temporal and lay promotion and office, which he has solely at the time of such refusal made; and that the whole title, interest, and incumbency, in every such promotion, benefice, and other office, as against such person only so refusing, during his life, shall clearly cease and be void, as though the party so refusing were dead. Penalty for those in office who refuse the oath.

And that also all and every such person and persons so refusing to take the said oath, shall immediately after such refusal be from thenceforth, during his life, disabled Those refusing, incapable of holding

1559. office conjointly.

to retain or exercise any office or other promotion which he, at the time of such refusal, has jointly, or in common, with any other person or persons.

The oath to be taken before entering on office.

And that all and every person and persons, that at any time hereafter shall be preferred, promoted, or collated to any archbishopric or bishopric, or to any other spiritual or ecclesiastical benefice, promotion, dignity, office, or ministry, or that shall be by your highness, your heirs or successors, preferred or promoted to any temporal or lay office, ministry, or service within this realm, or in any your highness's dominions, before he or they shall take upon him or them to receive, use, exercise, supply, or occupy any such archbishopric, bishopric, promotion, dignity, office, ministry, or service, shall likewise make, take, and receive the said corporal oath before mentioned, upon the evangelist, before such persons as have or shall have authority to admit any such person to any such office, ministry, or service, or else before such person or persons as by your highness, your heirs or successors, by commission under the great seal of England, shall be named, assigned, or appointed to minister the said oath.

Any promoted, &c., and obstinately refusing, incapable of taking office.

And that it may likewise be further enacted by the authority aforesaid, that if any such person or persons, as at any time hereafter shall be promoted, preferred, or collated to any such promotion spiritual or ecclesiastical, benefice, office, or ministry, or that by your highness, your heirs or successors, shall be promoted or preferred to any temporal or lay office, ministry, or service, shall and do peremptorily and obstinately refuse to take the same oath so to him to be offered; that then he or they so refusing shall presently be judged disabled in the law to receive, take, or have the same promotion spiritual or ecclesiastical, the same temporal office, ministry, or service within this realm, or any other your highness's dominions, to all intents, constructions, and purposes.

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Persons suing livery of lands, doing homage, or entering the queen's service, shall take the oath.

And that it may be further enacted by the authority aforesaid, that all and every person and persons temporal, suing livery or *ouster le main* out of the hands of your highness, your heirs or successors, before his or their livery or *ouster le main* sued forth and allowed, and every temporal person or persons doing any homage to your highness, your heirs or successors, or that shall be received into service with your highness, your heirs or successors, shall make, take, and receive the said corporal oath before mentioned, before the lord chancellor of England, or the lord keeper of the great seal for the time being, or before such person or persons as by your highness, your heirs or successors, shall be named and appointed to accept or receive the same.

Those taking Holy Orders or university degrees shall take the oath.

And that also all and every person and persons taking orders, and all and every other person and persons which shall be promoted or preferred to any degree of learning in any university within this your realm or dominions, before he shall receive or take any such orders, or be preferred to any such degree of learning, shall make, take, and receive the said oath by this Act set forth and declared as is aforesaid, before his or their ordinary, commissary, chancellor or vice-chancellor, or their sufficient deputies in the said university.

Those who at first refuse and then accept the oath.

Provided always, and that it may be further enacted by the authority aforesaid, that if any person, having any estate of inheritance in any temporal office or offices, shall hereafter obstinately and peremptorily refuse to accept and take the said oath as is aforesaid, and after, at any time during his life, shall willingly require to take and receive the said oath, and so do take and accept the same oath before any person or persons that shall have lawful authority to minister the same; that then every such person, immediately after he has so received the same oath, shall be vested, deemed, and judged in like estate and possession of the said office, as he was before the said refusal, and

1559. shall and may use and exercise the said office in such manner and form as he should or might have done before such refusal, anything in this Act contained to the contrary in any wise notwithstanding.

Penalty for maintaining foreign authority.

And for the more sure observation of this Act, and the utter extinguishment of all foreign and usurped power and authority, may it please your highness, that it may be further enacted by the authority aforesaid, that if any person or persons dwelling or inhabiting within this your realm, or in any other your highness's realms or dominions, of what estate, dignity, or degree soever he or they be, after the end of thirty days next after the determination of this session of this present Parliament, shall by writing, printing, teaching, preaching, express words, deed or act, advisedly, maliciously, and directly affirm, hold, stand with, set forth, maintain, or defend the authority, pre-eminence, power or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate whatsoever, heretofore claimed, used, or usurped within this realm, or any dominion or country being within or under the power, dominion, or obeisance of your highness, or shall advisedly, maliciously, and directly put in ure or execute anything for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped jurisdiction, power, pre-eminence, or authority, or any part thereof; that then every such person and persons so doing and offending, their abettors, aiders, procurers, and counsellors, being thereof lawfully convicted and attainted, according to the due order and course of the common laws of this realm, for his or their first offence shall forfeit and lose unto your highness, your heirs and successors, all his and their goods and chattels, as well real as personal.

Persons not having goods to

And if any such person so convicted or attainted shall not have or be worth of his proper goods and chattels to

1559.

the value of twenty pounds, at the time of his conviction or attainder, that then every such person so convicted and attainted, over and besides the forfeiture of all his said goods and chattels, shall have and suffer imprisonment by the space of one whole year, without bail or mainprize.

the value of the penalty, to be imprisoned.

And that also all and every the benefices, prebends, and other ecclesiastical promotions and dignities whatsoever, of every spiritual person so offending, and being attainted, shall immediately after such attainder be utterly void to all intents and purposes, as though the incumbent thereof were dead; and that the patron and donor of every such benefice, prebend, spiritual promotion and dignity, shall and may lawfully present unto the same, or give the same, in such manner and form as if the said incumbent were dead.

Ecclesiastical offices forfeited for offending under this Act.

And if any such offender or offenders, after such conviction or attainder, do eftsoons commit or do the said offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted, as is aforesaid; that then every such offender and offenders shall for the same second offence incur into the dangers, penalties, and forfeitures ordained and provided by the statute of Provision and *Præmunire*, made in the sixteenth year of the reign of King Richard II.

Penalty for a second offence.

And if any such offender or offenders, at any time after the said second conviction and attainder, do the third time commit and do the said offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted, as is aforesaid; that then every such offence or offences shall be deemed and adjudged high treason, and that the offender and offenders therein, being thereof lawfully convicted and attainted, according to the laws of this realm, shall suffer pains of death, and other penalties, forfeitures, and losses, as in cases of high treason by the laws of this realm.

Penalty for a third offence—high treason.

And also that it may likewise please your highness, that

Within what time

1559. it may be enacted by the authority aforesaid, that no manner of person or persons shall be molested or impeached for any of the offences aforesaid committed or perpetrated only by preaching, teaching, or words, unless he or they be thereof lawfully indicted within the space of one half-year next after his or their offences so committed; and in case any person or persons shall fortune to be imprisoned for any of the said offences committed by preaching, teaching, or words only, and be not thereof indicted within the space of one half-year next after his or their such offence so committed and done, that then the said person so imprisoned shall be set at liberty, and be no longer detained in prison for any such cause or offence.

an offender shall be impeached.

All things touching *præmunire*, in 1 & 2 Philip and Mary, c. 8, to continue in force.

Provided always, and be it enacted by the authority aforesaid, that this Act, or anything therein contained, shall not in any wise extend to repeal any clause, matter, or sentence contained or specified in the said Act of repeal made in the said first and second years of the reigns of the said late King Philip and Queen Mary, as does in any wise touch or concern any matter or case of *Præmunire*, or that does make or ordain any matter or cause to be within the case of *Præmunire*; but that the same, for so much only as touches or concerns any case or matter of *Præmunire*, shall stand and remain in such force and effect as the same was before the making of this Act, anything in this Act contained to the contrary in any wise notwithstanding.

Proviso for those who, within a certain time, offend under statutes now revived.

Provided also, and be it enacted by the authority aforesaid, that this Act, or anything therein contained, shall not in any wise extend or be prejudicial to any person or persons for any offence or offences committed or done, or hereafter to be committed or done, contrary to the tenor and effect of any Act or statute now revived by this Act, before the end of thirty days next after the end of the session of this present Parliament; anything in this Act contained or any other matter or cause to the contrary notwithstanding.

1559.

Peers to be tried by peers.

And if it happen that any peer of this realm shall fortune to be indicted of and for any offence that is revived or made *Præmunire* or treason by this Act, that then he so being indicted shall have his trial by his peers, in such like manner and form as in other cases of treason has been used.

No order, on matters of religion, made by this Parliament to be adjudged heresy.

[1] Provided always, and be it enacted as is aforesaid, that no manner of order, Act, or determination, for any matter of religion or cause ecclesiastical, had or made by the authority of this present Parliament, shall be accepted, deemed, interpreted, or adjudged at any time hereafter, to be any error, heresy, schism, or schismatical opinion; any order, decree, sentence, constitution, or law, whatsoever the same be, to the contrary notwithstanding.

Commissioners may adjudge such things heresy as are so declared by the Scripture, the first four general Councils, or by Parliament, with assent of Convocation.

Provided always, and be it enacted by the authority aforesaid, that such person or persons to whom your highness, your heirs or successors, shall hereafter, by letters patent, under the great seal of England, give authority to have or execute any jurisdiction, power, or authority spiritual, or to visit, reform, order, or correct any errors, heresies, schisms, abuses, or enormities by virtue of this Act, shall not in any wise have authority or power to order, determine, or adjudge any matter or cause to be heresy, but only such as heretofore have been determined, ordered, or adjudged to be heresy, by the authority of the canonical Scriptures, or by the first four general Councils, or any of them, or by any other general Council wherein the same was declared heresy by the express and plain words of the said canonical Scriptures, or such as hereafter shall be ordered, judged, or determined to be heresy by the High Court of Parliament of this realm, with the assent of the clergy in their Convocation; anything in this Act contained to the contrary notwithstanding.

How persons shall

And be it further enacted by the authority aforesaid, that

[1] This and the following provisoes are annexed to the Parliament Roll in four separate schedules.

1559. be indicted for offences under this Act.

no person or persons shall be hereafter indicted or arraigned for any the offences made, ordained, revived, or adjudged by this Act, unless there be two sufficient witnesses, or more, to testify and declare the said offences whereof he shall be indicted or arraigned; and that the said witnesses, or so many of them as shall be living and within this realm at the time of the arraignment of such person so indicted, shall be brought forth in person, face to face, before the party so arraigned, and there shall testify and declare what they can say against the party so arraigned, if he require the same.

Those aiding offenders shall be judged guilty.

Provided also, and be it further enacted by the authority aforesaid, that if any person or persons shall hereafter happen to give any relief, aid, or comfort, or in any wise be aiding, helping, or comforting to the person or persons of any that shall hereafter happen to be an offender in any matter or case of *Præmunire* or treason, revived or made by this Act, that then such relief, aid, or comfort given shall not be judged or taken to be any offence, unless there be two sufficient witnesses at the least, that can and will openly testify and declare that the person or persons that so gave such relief, aid, or comfort had notice and knowledge of such offence committed and done by the said offender, at the time of such relief, aid, or comfort so to him given or ministered; anything in this Act contained, or any other matter or cause to the contrary in any wise notwithstanding.

The case of Chetwood and wife: if the Court of Rome upholds their appeal, that upholding shall stand.

And where one pretended sentence has heretofore been given in the Consistory in Paul's before certain judges delegate, by the authority legatine of the late Cardinal Pole, by reason of a foreign usurped power and authority, against Richard Chetwood, Esq., and Agnes his wife, by the name of Agnes Woodhall, at the suit of Charles Tyrril, gentleman, in a cause of matrimony solemnized between the said Richard and Agnes, as by the same pretended sentence more plainly doth appear, from which sentence the said

Richard and Agnes have appealed to the Court of Rome, which appeal does there remain, and yet is not determined: may it therefore please your highness, that it may be enacted by the authority aforesaid, that if sentence in the said appeal shall happen to be given at the said Court of Rome for and in the behalf of the said Richard and Agnes, for the reversing of the said pretensed sentence, before the end of threescore days next after the end of this session of this present Parliament, that then the same shall be judged and taken to be good and effectual in the law, and shall and may be used, pleaded, and allowed in any court or place within this realm; anything in this Act or any other Act or statute contained to the contrary notwithstanding. 1559.

If no sentence be given by Rome, then their appeal shall be prosecuted in England.

And if no sentence shall be given at the Court of Rome in the said appeal for the reversing of the said pretended sentence before the end of the said threescore days, that then it shall and may be lawful for the said Richard and Agnes, and either of them, at any time hereafter, to commence, take, sue, and prosecute their said appeal from the said pretended sentence, and for the reversing of the said pretended sentence, within this realm, in such like manner and form as was used to be pursued, or might have been pursued, within this realm, at any time since the twenty-fourth year of the reign of the said late King Henry VIII, upon any sentences given in the court or courts of any archbishop within this realm.

The sentence given shall be held good.

And that such appeal as so hereafter shall be taken or pursued by the said Richard Chetwood and Agnes, or either of them, and the sentence that herein or thereupon shall hereafter be given, shall be judged to be good and effectual in the law to all intents and purposes; any law, custom, usage, canon, constitution, or any other matter or cause to the contrary notwithstanding.

Like proviso in

Provided also, and be it enacted by the authority afore-

1559. another case of appeal.

said, that where there is the like appeal now depending in the said Court of Rome between one Robert Harcourt, merchant of the staple, and Elizabeth Harcourt, otherwise called Elizabeth Robins, of the one part, and Anthony Fydell, merchant-stranger, on the other part, that the said Robert, Elizabeth, and Anthony, and every of them, shall and may, for the prosecuting and trying of their said appeal, have and enjoy the like remedy, benefit, and advantage, in like manner and form as the said Richard and Agnes, or any of them, has, may, or ought to have and enjoy; this Act or anything therein contained to the contrary in any wise notwithstanding.

LXXX.

ELIZABETH'S ACT OF UNIFORMITY, A. D. 1559.

1 ELIZABETH, CAP. 2.

1559. THIS Act—distinguished among the several Uniformity Acts by the stringency of its penalties—was passed immediately after the foregoing, in April of the year 1559.

[Transcr. Statutes of the Realm iv. pt. i. p. 355.]

Edward VI's Act of Uniformity (*ante*, No. LXXI) repealed by Mary (*ante*, No. LXXIII).

Where at the death of our late sovereign lord King Edward VI there remained one uniform order of common service and prayer, and of the administration of sacraments, rites, and ceremonies in the Church of England, which was set forth in one book, intituled: The Book of Common Prayer, and Administration of Sacraments, and other rites and ceremonies in the Church of England; authorized by Act of Parliament holden in the fifth and sixth years of our said late sovereign lord King Edward VI, intituled: An Act for the uniformity of common prayer, and administration of the sacraments; the which was repealed and taken away by Act of Parliament in the

first year of the reign of our late sovereign lady Queen Mary, to the great decay of the due honour of God, and discomfort to the professors of the truth of Christ's religion : 1559.

Be it therefore enacted by the authority of this present Parliament, that the said statute of repeal, and everything therein contained, only concerning the said book, and the service, administration of sacraments, rites, and ceremonies contained or appointed in or by the said book, shall be void and of none effect, from and after the feast of the Nativity of St. John Baptist next coming ; and that the said book, with the order of service, and of the administration of sacraments, rites, and ceremonies, with the alterations and additions therein added and appointed by this statute, shall stand and be, from and after the said feast of the Nativity of St. John Baptist, in full force and effect, according to the tenor and effect of this statute ; anything in the aforesaid statute of repeal to the contrary notwithstanding.

Repeal of Mary's Act of repeal.

Edward VI's Book of Common Prayer, with certain alterations and additions, re-established.

And further be it enacted by the queen's highness, with the assent of the Lords (*sic*) and Commons in this present Parliament assembled, and by authority of the same, that all and singular ministers in any cathedral or parish church, or other place within this realm of England, Wales, and the marches of the same, or other the queen's dominions, shall from and after the feast of the Nativity of St. John Baptist next coming be bounden to say and use the Matins, Evensong, celebration of the Lord's Supper and administration of each of the sacraments, and all their common and open prayer, in such order and form as is mentioned in the said book, so authorized by Parliament in the said fifth and sixth years of the reign of King Edward VI, with one alteration or addition of certain lessons to be used on every Sunday in the year, and the form of the Litany altered and corrected, and two sentences only added in the delivery of the sacrament to the communicants, and none other or otherwise.

The alterations and additions enjoined.

1559. Penalty for using any other form of prayer or administration of the sacraments, or for speaking against the Book of Common Prayer.

And that if any manner of parson, vicar, or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, from and after the feast of the nativity of St. John Baptist next coming, refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church, or other places as he should use to minister the same, in such order and form as they be mentioned and set forth in the said book, or shall wilfully or obstinately standing in the same, use any other rite, ceremony, order, form, or manner of celebrating of the Lord's Supper, openly or privily, or Matins, Evensong, administration of the sacraments, or other open prayers, than is mentioned and set forth in the said book (open prayer in and throughout this Act, is meant that prayer which is for other to come unto, or hear, either in common churches or private chapels or oratories, commonly called the service of the Church), or shall preach, declare, or speak anything in the derogation or depraving of the said book, or anything therein contained, or of any part thereof, and shall be thereof lawfully convicted, according to the laws of this realm, by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact, shall lose and forfeit to the queen's highness, her heirs and successors, for his first offence, the profit of all his spiritual benefices or promotions coming or arising in one whole year next after his conviction; and also that the person so convicted shall for the same offence suffer imprisonment by the space of six months, without bail or mainprize.

Definition of 'open prayer.'

The penalty for a second offence.

And if any such person once convicted of any offence concerning the premises, shall after his first conviction eftsoons offend, and be thereof, in form aforesaid, lawfully convicted, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, and also shall therefor be deprived, *ipso facto*, of all his

spiritual promotions; and that it shall be lawful to all patrons or donors of all and singular the same spiritual promotions, or of any of them, to present or collate to the same, as though the person and persons so offending were dead. 1559.

The penalty for a third offence.

And that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend against any of the premises the third time, and shall be thereof, in form aforesaid, lawfully convicted, that then the person so offending and convicted the third time, shall be deprived, *ipso facto*, of all his spiritual promotions, and also shall suffer imprisonment during his life.

The penalty of an offender having no spiritual promotion.

And if the person that shall offend, and be convicted in form aforesaid, concerning any of the premises, shall not be beneficed, nor have any spiritual promotion, that then the same person so offending and convicted shall for the first offence suffer imprisonment during one whole year next after his said conviction, without bail or mainprize. And if any such person, not having any spiritual promotion, after his first conviction shall eftsoons offend in anything concerning the premises, and shall be, in form aforesaid, thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

Penalty for speaking against the said book on the stage or elsewhere, or for causing any other form of service to be used, or for interrupting the service.

And it is ordained and enacted by the authority aforesaid, that if any person or persons whatsoever, after the said feast of the Nativity of St. John Baptist next coming, shall in any interludes, plays, songs, rhymes, or by other open words, declare or speak anything in the derogation, depraving, or despising of the same book, or of anything therein contained, or any part thereof, or shall, by open fact, deed, or by open threatenings, compel or cause, or otherwise procure or maintain, any parson, vicar, or other minister in any cathedral or parish church, or in chapel, or in any other place, to sing or say any common or open prayer, or to minister any sacrament otherwise, or in any other manner and form, than is mentioned in the said book; or that by

1559. any of the said means shall unlawfully interrupt or let any parson, vicar, or other minister in any cathedral or parish church, chapel, or any other place, to sing or say common and open prayer, or to minister the sacraments or any of them, in such manner and form as is mentioned in the said book; that then every such person, being thereof lawfully convicted in form abovesaid, shall forfeit to the queen our sovereign lady, her heirs and successors, for the first offence a hundred marks.

Penalty for a second offence.

And if any person or persons, being once convicted of any such offence, eftsoons offend against any of the last recited offences, and shall, in form aforesaid, be thereof lawfully convicted, that then the same person so offending and convicted shall, for the second offence, forfeit to the queen our sovereign lady, her heirs and successors, four hundred marks.

Penalty for a third offence.

And if any person, after he, in form aforesaid, shall have been twice convicted of any offence concerning any of the last recited offences, shall offend the third time, and be thereof, in form abovesaid, lawfully convicted, that then every person so offending and convicted shall for his third offence forfeit to our sovereign lady the queen all his goods and chattels, and shall suffer imprisonment during his life.

Penalty of the convict not paying his forfeiture.

And if any person or persons, that for his first offence concerning the premises shall be convicted, in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his conviction; that then every person so convicted, and so not paying the same, shall for the same first offence, instead of the said sum, suffer imprisonment by the space of six months, without bail or mainprize. And if any person or persons, that for his second offence concerning the premises shall be convicted in form aforesaid, do not pay the said sum to be paid by virtue of his conviction and this statute, in such manner

and form as the same ought to be paid, within six weeks next after his said second conviction; that then every person so convicted, and not so paying the same, shall, for the same second offence, in the stead of the said sum, suffer imprisonment during twelve months, without bail or mainprize. 1559.

Every person to attend church on Sundays and holy days under pain of censure of the Church and a fine to the poor.

And that from and after the said feast of the Nativity of St. John Baptist next coming, all and every person and persons inhabiting within this realm, or any other the queen's majesty's dominions, shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every Sunday and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preachings, or other service of God there to be used and ministered; upon pain of punishment by the censures of the Church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence, to be levied by the churchwardens of the parish where such offence shall be done, to the use of the poor of the same parish, of the goods, lands, and tenements of such offender, by way of distress.

The Church enjoined to execute this Act with diligence.

And for due execution hereof, the queen's most excellent majesty, the Lords temporal (*sic*), and all the Commons, in this present Parliament assembled, do in God's name earnestly require and charge all the archbishops, bishops, and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledges, that the due and true execution hereof may be had throughout their dioceses and charges, as they will answer before God, for such evils and plagues wherewith Almighty God may justly punish His people for neglecting this good and wholesome law.

1559.

The ordinary may punish offenders by the censures of the Church.

And for their authority in this behalf, be it further enacted by the authority aforesaid, that all and singular the same archbishops, bishops, and all other their officers exercising ecclesiastical jurisdiction, as well in place exempt as not exempt, within their dioceses, shall have full power and authority by this Act to reform, correct, and punish by censures of the Church, all and singular persons which shall offend within any their jurisdictions or dioceses, after the said feast of the Nativity of St. John Baptist next coming, against this Act and statute ; any other law, statute, privilege, liberty, or provision heretofore made, had, or suffered to the contrary notwithstanding.

Power of justices to punish offences.

And it is ordained and enacted by the authority aforesaid, that all and every justices of *oyer* and *terminer*, or justices of assize, shall have full power and authority in every of their open and general sessions, to inquire, hear, and determine all and all manner of offences that shall be committed or done contrary to any article contained in this present Act, within the limits of the commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

Bishops may join with justices to inquire of offences.

Provided always, and be it enacted by the authority aforesaid, that all and every archbishop and bishop shall or may, at all time and times, at his liberty and pleasure, join and associate himself, by virtue of this Act, to the said justices of *oyer* and *terminer*, or to the said justices of assize, at every of the said open and general sessions to be holden in any place within his diocese, for and to the inquiry, hearing, and determining of the offences aforesaid.

Books of Common Prayer to be provided at cost of parishion-

Provided also, and be it enacted by the authority aforesaid, that the books concerning the said services shall, at the cost and charges of the parishioners of every parish and cathedral church, be attained and gotten before the said feast of the Nativity of St. John Baptist next following;

and that all such parishes and cathedral churches, or other places where the said books shall be attained and gotten before the said feast of the Nativity of St. John Baptist, shall, within three weeks next after the said books so attained and gotten, use the said service, and put the same in ure according to this Act. 1559. ers, and the service used within three weeks after purchase.

And be it further enacted by the authority aforesaid, that no person or persons shall be at any time hereafter impeached or otherwise molested of or for any the offences above mentioned, hereafter to be committed or done contrary to this Act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such justices of *oyer* and *terminer* or justices of assize, next after any offence committed or done contrary to the tenor of this Act. Limit of time for prosecuting offenders.

Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular lords of the Parliament, for the third offence above mentioned, shall be tried by their peers. Trial of peers.

Provided also, and be it ordained and enacted by the authority aforesaid, that the mayor of London, and all other mayors, bailiffs, and other head officers of all and singular cities, boroughs, and towns corporate within this realm, Wales, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this Act to inquire, hear, and determine the offences abovesaid, and every of them, yearly within fifteen days after the feasts of Easter and St. Michael the Archangel, in like manner and form as justices of assize and *oyer* and *terminer* may do. Chief officers of cities and boroughs, not usually visited by justices, shall inquire of offenders.

Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular archbishops and bishops, and every their chancellors, commissaries, archdeacons, and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by The ordinary's jurisdiction to remain as before.

1559. virtue of this Act, as well to inquire in their visitation, synods, and elsewhere within their jurisdiction at any other time and place, to take occasions (*sic*) and informations of all and every the things above mentioned, done, committed, or perpetrated within the limits of their jurisdictions and authority, and to punish the same by admonition, excommunication, sequestration, or deprivation, and other censures and processes, in like form as heretofore has been used in like cases by the queen's ecclesiastical laws.

But none to be punished more than once for one offence.

Provided always, and be it enacted, that whatsoever person offending in the premises shall, for the offence, first receive punishment of the ordinary, having a testimonial thereof under the said ordinary's seal, shall not for the same offence eftsoons be convicted before the justices: and likewise receiving, for the said offence, first punishment by the justices, he shall not for the same offence eftsoons receive punishment of the ordinary; anything contained in this Act to the contrary notwithstanding.

Ornaments of the church and ministers to continue as in 2 Edw. VI till further order.

Provided always, and be it enacted, that such ornaments of the church, and of the ministers thereof, shall be retained and be in use, as was in the Church of England, by authority of Parliament, in the second year of the reign of King Edward VI, until other order shall be therein taken by the authority of the queen's majesty, with the advice of her commissioners appointed and authorized, under the great seal of England, for causes ecclesiastical, or of the metropolitan of this realm.

On any contempt of ceremonies, or irreverence, further rites and ceremonies may be ordained.

And also, that if there shall happen any contempt or irreverence to be used in the ceremonies or rites of the Church, by the misusing of the orders appointed in this book, the queen's majesty may, by the like advice of the said commissioners or metropolitan, ordain and publish such further ceremonies or rites, as may be most for the advancement of God's glory, the edifying of His Church, and the due reverence of Christ's holy mysteries and sacraments.

And be it further enacted by the authority aforesaid, that all laws, statutes, and ordinances, wherein or whereby any other service, administration of sacraments or common prayer, is limited, established, or set forth to be used within this realm, or any other the queen's dominions or countries, shall from henceforth be utterly void and of none effect. 1559. Laws allowing the use of any other service made void

LXXXI.

THE ADVERTISEMENTS, A. D. 1566.

1566.

The Advertisements is a later title for Abp. Parker's Articles, which were drawn up by him probably at some time in 1564, in reference to the 'Vestiarian Controversy.' They were sent to Cecil for the queen's signature, March 3, 1565. This was refused, and nothing more is heard of them until March 12, 1566, when a second attempt to obtain the queen's signature was made without success. Parker therefore issued them under the title of Advertisements without royal sanction or authority. The difficult question of their authority is discussed by Mr. Aubrey Moore, *History of the Reformation*, p. 266.

[Transcr. from a contemporary copy in the British Museum, printed by Wolfe, C. 25, c. 6; *cf.* Wilkins, iv. 247.]

The Preface.

The queen's majesty, of her godly zeal, calling to remembrance how necessary it is to the advancement of God's glory, and to the establishment of Christ's pure religion for all her loving subjects, especially the state ecclesiastical, to be knit together in one perfect unity of doctrine, and to be conjoined in one uniformity of rites and manners in the ministration of God's holy word, in open prayer and ministration of sacraments, as also to be of one decent behaviour in their outward apparel, to be known partly by their distinct habits to be of that vocation (who should be reverenced the rather in their offices, as ministers of the holy things whereunto they be called), hath by her letters The Preface: Unity of doctrine and ceremonial being necessary,

1566. directed unto the Archbishop of Canterbury and metropolitan, required, enjoined, and straitly charged, that with assistance and conference had with other bishops, namely, such as be in commission for causes ecclesiastical, some orders might be taken, whereby all diversities and varieties among them of the clergy and the people (as breeding nothing but contention, offence, and breach of common charity, and be against the laws, good usage, and ordinances of the realm) might be reformed and repressed, and brought to one manner of uniformity throughout the whole realm, that the people may thereby quietly honour and serve Almighty God in truth, concord, unity, peace, and quietness, as by her majesty's said letters more at large doth appear. Whereupon, by diligent conference and communication in the same, and at last by assent and consent of the persons beforesaid, these orders and rules ensuing have been thought meet and convenient to be used and followed: not yet prescribing these rules as laws equivalent with the eternal word of God, and as of necessity to bind the consciences of her subjects in the nature of them considered in themselves; or as they should add any efficacy or more holiness to the virtue of public prayer, and to the sacraments, but as temporal orders mere ecclesiastical, without any vain superstition, and as rules in some part of discipline concerning decency, distinction, and order for the time.

the queen has directed the archbishop to take means for abolishing all diversity.

The following rules, being the result of conference, are issued as temporal orders to ensure seemliness.

Articles for doctrine and preaching.

First, that all they, which shall be admitted to preach, shall be diligently examined for their conformity in unity of doctrine, established by public authority; and admonished to use sobriety and discretion in teaching the people, namely, in matters of controversy; and to consider the gravity of their office, and to foresee with diligence the

1. Preachers to be examined and admonished.

matters which they will speak, to utter them to the edification of the audience. 1566.

Item, that they set out in their preaching the reverent estimation of the holy sacraments of Baptism and the Lord's Supper, exciting the people to the often and devout receiving of the Holy Communion of the Body and Blood of Christ, in such form as is already prescribed in the Book of Common Prayer, and as it is further declared in a Homily concerning the virtue and efficacy of the said sacraments. 2. To enforce the observance of the sacraments.

Item, that they move the people to all obedience, as well in observation of the orders appointed in the book of common service, as in the queen's majesty's Injunctions, as also of all other civil duties due for subjects to do. 3. To enforce obedience.

Item, that all licences for preaching granted out by the archbishop and bishops within the province of Canterbury, bearing date before the first day of March, 1564, be void and of none effect, and nevertheless all such, as shall be thought meet for the office, to be admitted again without difficulty or charge, paying no more but fourpence for the writing, parchment, and wax. 4. Licences to be renewed.

Item, if any preacher or parson, vicar or curate, so licensed, shall fortune to preach any matter tending to dissension, or to the derogation of the religion and doctrine received, that the hearers denounce the same to the ordinaries, or the next bishop of the same place; but no man openly to contrary or to impugn the same speech so disorderly uttered, whereby may grow offence and disquiet of the people; but shall be convinced and reproved by the ordinary after such agreeable order, as shall be seen to him according to the gravity of the offence. And that it be presented within one month after the words spoken. 5. Controversial sermons to be reported.

Item, that they use not to exact or receive unreasonable rewards or stipends of the poor pastors coming to their cures to preach, whereby they might be noted as followers 6. Preaching fees to be moderate.

1566. of filthy lucre, rather than use the office of preaching of charity and good zeal to the salvation of men's souls.

7. Incumbents to preach regularly. Item, if the parson be able, he shall preach in his own person every three months, or else shall preach by another, so that his absence be approved by the ordinary of the diocese in respect of sickness, service, or study at the universities. Nevertheless yet for want of able preachers and parsons to tolerate them without penalty, so that they preach in their own persons, or by a learned substitute once in every three months of the year.

Articles for administration of prayer and sacraments.

1. The place of Common Prayer. First, that the common prayer be said or sung decently and distinctly, in such place as the ordinary shall think meet for the largeness and straitness of the church and choir, so that the people may be most edified.

2. Non-preaching clergy. Item, that no parson or curate, not admitted by the bishop of the diocese to preach, do expound in his own cure, or elsewhere, any Scripture or matter of doctrine, or by the way of exhortation, but only study to read gravely and aptly, without any glossing of the same, or any additions, the Homilies already set out, or other such necessary doctrine as is or shall be prescribed for the quiet instruction and edification of the people.

3. Celebration of Holy Communion in cathedrals. Item, that in cathedral churches and colleges the Holy Communion be administered upon the first or second Sunday of every month at the least. So that both dean, prebendaries, priests, and clerks do receive, and all other of discretion of the foundation do receive four times in the year at the least.

4. Vestments in cathedrals, &c., at Communion. Item, in the ministration of the Holy Communion in cathedral and collegiate churches, the principal minister shall use a cope with gospeller and epistoler agreeably; and at all other prayers to be said at that Communion Table, to use no copes but surplices.

1566.

Item, that the dean and prebendaries wear a surplice with a silk hood in the choir; and when they preach in the cathedral or collegiate church, to wear their hood. 5. Ordinary vestments of the chapter.

Item, that every minister saying any public prayers, or ministering the sacraments or other rites of the Church, shall wear a comely surplice with sleeves, to be provided at the charges of the parish; and that the parish provide a decent table standing on a frame for the Communion Table. 6. Vestments of parochial clergy.

Item, that they shall decently cover with carpet, silk, or other decent covering, and with a fair linen cloth (at the time of the ministration) the Communion Table, and to set the Ten Commandments upon the east wall over the said table. 7. Arrangement of the Communion Table.

Item, that all communicants do receive kneeling, and as is appointed by the laws of the realm and the queen's majesty's Injunctions. 8. Of kneeling at Communion.

Item, that the font be not removed, nor that the curate do baptize in parish churches in any basons, nor in any other form than is already prescribed, without charging the parent to be present or absent at the christening of his child, although the parent may be present or absent, but not to answer as godfather for his child. 9. Administration of Baptism.

Item, that no child be admitted to answer as godfather or godmother, except the child hath received the Communion. 10. Age of godparents.

Item, that there be none other holy days observed besides the Sundays, but only such as be set out for holy days, as in the statute *anno quinto et sexto Edwardi sexti*, and in the new calendar authorized by the queen's majesty. 11. Of holy days.

Item, that when any Christian body is in passing, that the bell be tolled, and that the curate be specially called for to comfort the sick person, and after the time of his passing to ring no more but one short peal, and one before the burial, and another short peal after the burial. 12. Of tolling the passing bell, &c.

1566
13. Of Sunday observance.

Item, that on Sundays there be no shops open, nor artificers commonly going about their affairs worldly, and that in all fairs and common markets falling upon the Sunday, there be no showing of any wares before the service be done.

14. Of Rogation days.

Item, that in the Rogation days of procession they sing or say in English the two psalms beginning, *Benedic anima mea*, &c., with the litany and suffrages thereunto, with one homily of thanksgiving to God, already devised and divided into four parts, without addition of any superstitious ceremonies heretofore used.

Articles for certain orders in ecclesiastical policy.

1. Life and title of ordination candidates.

First, against the day of giving of orders appointed, the bishop shall give open monitions to all men to except against such as they know not to be worthy either for life or conversation. And there to give notice that none shall sue for orders but within their own diocese where they were born, or had their long time of dwelling, except such as shall be of degree in the universities.

2. Their instruction.

Item, that young priests or ministers made or to be made, be so instructed that they be able to make apt answers concerning the form of the catechism prescribed.

3. Of testimonials at admission or upon removal.

Item, that no curate or minister be permitted to serve without examination and admission of the ordinary or his deputy in writing, having respect to the greatness of the cure and the meetness of the party; and that the said ministers, if they remove from one diocese to another, be by no means admitted to serve without testimony of the diocesan, from whence they come, in writing of their honesty and ability.

4. Of those licensed to study.

Item, that the bishop do call home once in the year any prebendary in his church, or beneficed in the diocese, which

studieth at the universities, to know how he profiteth in learning, and that he be not suffered to be a serving or a waiting man dissolutely. 1566.

Item, that at the archdeacon's visitation the archdeacon shall appoint the curates to certain taxes [texts] of the New Testament to be conned without book, and at their next synod to exact a rehearsal of them. 5. Of the examination of curates.

Item, that the churchwardens once in the quarter declare by their curates, in bills subscribed with their hands to the ordinary or to the next officer under him, who they be which will not readily pay their penalties for not coming to God's divine service accordingly. 6. Of presentment by churchwardens.

Item, that the ordinaries do use good diligent examination to foresee all simoniacal pacts or covenants with the patrons or presenters for the spoil of their glebe, tithes, or mansion houses. 7. Of simony, &c.

Item, that no persons be suffered to marry within the Levitical degrees mentioned in a table set forth by the Archbishop of Canterbury, in that behalf, anno Domini 1563; and if any such be, to be separated by order of law. 8. Of prohibited marriages.

Articles for outward apparel of persons ecclesiastical.

First, that all archbishops and bishops do use and continue their accustomed apparel. 1. Archbishops and bishops.

Item, that all deans of cathedral churches, masters of colleges, all archdeacons, and other dignities in cathedral churches, doctors, bachelors of divinity and law, having any ecclesiastical living, shall wear in their common apparel abroad a side gown with sleeves straight at the hand, without any cuts in the same; and that also without any falling cape; and to wear tippets of sarcenet, as is lawful for them by the Act of Parliament 24 Henry VIII. 2. Of church dignitaries.

Item, that all doctors of physic, or of any other faculty, 3. Of doctors of

1566. medicine. &c. having any living ecclesiastical, or any other that may dispend by the Church one hundred marks, so to be esteemed by the fruits or tenths of their promotions; and all prebendaries, whose promotions be valued at twenty pound or upward, wear the like apparel.

4. Of clerical caps. Item, that they and all ecclesiastical persons or other, having any ecclesiastical living, do wear the cap appointed by the Injunctions. And they to wear no hats but in their journeying.

5. Of clerical clothes abroad. Item, that they in their journeying do wear their cloaks with sleeves put on, and like in fashion to their gowns, without guards, welts, or cuts.

6. Of clerical clothes at home. Item, that in their private houses and studies they use their own liberty of comely apparel.

7. Of the inferior clergy. Item, that all inferior ecclesiastical persons shall wear long gowns of the fashion aforesaid, and caps as afore is prescribed.

8. Of the poor clergy. Item, that all poor parsons, vicars, and curates do endeavour themselves to conform their apparel in like sort so soon and as conveniently as their ability will serve to the same. Provided that their ability be judged by the bishop of the diocese. And if their ability will not suffer to buy their long gowns of the form afore prescribed, that then they shall wear their short gowns agreeable to the form before expressed.

9. Of the apparel of clergy without cure. Item, that all such persons as have been or be ecclesiastical, and serve not the ministry, or have not accepted, or shall refuse to accept the oath of obedience to the queen's majesty, do from henceforth abroad wear none of the said apparel of the form and fashion aforesaid, but to go as mere laymen, till they be reconciled to obedience; and who shall obstinately refuse to do the same, that they be presented by the ordinary to the commissioners in causes ecclesiastical, and by them to be reformed accordingly.

Protestations to be made, promised, and subscribed by them that shall hereafter be admitted to any office, room, or cure in any church or other place ecclesiastical. 1566. Protestations:

Imprimis, I shall not preach or publicly interpret, but only read that which is appointed by public authority, without special licence of the bishop under his seal. 1. As to preaching.

I shall read the service appointed plainly, distinctly, and audibly, that all the people may hear and understand. 2. Conduct of service.

I shall keep the register book according to the queen's majesty's Injunctions. 3. Register book.

I shall use sobriety in apparel, and especially in the church at common prayers, according to order appointed. 4. Sober apparel.

I shall move the parishioners to quiet and concord, and not give them cause of offence, and shall help to reconcile them which be at variance, to my uttermost power. 5. Exhortation to peace.

I shall read daily at the least one chapter of the Old Testament, and one other of the New, with good advisement to the increase of my knowledge. 6. Of reading.

I do also faithfully promise in my person to use and exercise my office and place to the honour of God, to the quiet of the queen's subjects within my charge, in truth, concord, and unity; and also to observe, keep, and maintain such order and uniformity in all external policy, rites, and ceremonies of the Church, as by the laws, good usages, and orders are already well provided and established. 7. Exercise of ministry.

I shall not openly intermeddle with any artificer's occupations, as covetously to seek a gain thereby, having in ecclesiastical living to the sum of twenty nobles or above by year. 8. Secular appointment.

Agreed upon, and subscribed by—

MATTHAEUS CANTUARIENSIS
EDMUNDUS LONDINENSIS
RICHARDUS ELIENSIS
EDMUNDUS ROFFENSIS
} *Commissioners in causes ecclesiastical.*
ROBERTUS WINTONIENSIS
NICOLAUS LINCOLNIENSIS, *with others.*

LXXXII.

SELECTION FROM THE CANONS OF 1571.

1571. The Convocation of 1571, which revised the Articles of 1562, and ordered them to be printed, drew up a body of Canons about twelve in number. The queen however refused to sign them when complete, and so they practically became a dead letter. A summary of their contents may be inserted: 1. Concerning the duties of bishops. 2. Concerning the duties of cathedral chapters. 3. Concerning the duties of archdeacons. 4. Concerning the duties of chancellors, commissaries, officials, and parish clergy. 5. Concerning the duties of churchwardens, viz. term of office, care of church buildings, *i. e.* fabric and due appointment for service, recusancy presentment, and act of ministers. 6. Concerning preachers. 7. Concerning the residence of beneficed clergy. 8. Concerning plurality. 9. Concerning schoolmasters. 10. Concerning patrons and proprietaries. 11. Concerning illegal marriages. 12. Form of excommunication.

[Tr. contemporary print at the British Museum, 3505 e. 20(2).]

Canon 6. *Concerning preachers.*

Preachers to be licensed;

No one without the bishop's permission shall publicly preach in his parish, nor shall he venture hereafter to preach (*concionari*) outside his cure and church, unless he has received permission so to preach, either from the queen through all the parts of the realm, or the archbishop through his province, or from the bishop through his diocese. And no power to preach shall be hereafter valid or have any authority save only such as shall be obtained after the last day of April of the year 1571. Preachers shall behave themselves modestly and soberly in every department of their life. But especially shall they see to it that they teach nothing in the way of a sermon, which they would have religiously held and believed by the people, save what is agreeable to the teaching of the Old or New Testament, and what the Catholic fathers and ancient bishops have collected from this selfsame doctrine. And since those Articles of the Christian religion to which assent was given by the bishops in lawful and holy synod convened and celebrated

to be seemly in all conversation;

to preach in accordance with Scripture and antiquity;

by command and authority of our most serene princess, Elizabeth, were without doubt collected from the holy books of Old and New Testament, and in all respects agree with the heavenly doctrine which is contained in them; since, too, the book of public prayers, and book of the consecration (*inauguratio*) of archbishops, bishops, priests, and deacons, contain nothing contrary to this same doctrine, whoever shall be sent to teach the people shall confirm the authority and faith of those Articles not only in their sermons but also by subscription. Whoever does otherwise, and perplexes the people with contrary doctrine, shall be excommunicated. In preaching they shall use such modest and grave apparel (*veste*) as may befit and adorn the minister of God, and such as was described in the book of the Admonitions. And they shall not demand money or any fee for a sermon, but shall be content with merely food and equipment (*apparatu*), and one night's hospitality. They shall not teach vain and old wives' opinions and heresies, and papal errors, abhorrent to the teaching and faith of Christ, nor anything at all whereby the unlearned multitude be inflamed to love of novelty or contention. Moreover they shall always put forward such things as make to edification, and reconcile the hearers by Christian concord and love.

1571.

to uphold authority of Articles, Prayer Book, and Ordinal under penalty;

to use seemly apparel in preaching;

to be content with moderate entertainment;

to take heed to their doctrine.

LXXXIII.

THE SUBSCRIPTION (THIRTY-NINE ARTICLES) ACT, A.D. 1571.

13 ELIZABETH, CAP. 12.

THIS Act was introduced and passed by Parliament in 1571, in spite of the queen's well-known objection to such legislation. An historical notice of subscription to the Articles will be found in Hardwick on the Articles, chap. xi.

1571.

[Transcr. Statutes of the Realm, iv. pt. i. p. 546.]

That the churches of the queen's majesty's dominions may be served with pastors of sound religion, be it enacted

Object of this Act.

1571. by the authority of this present Parliament, that every person under the degree of a bishop, which does or shall pretend to be a priest or minister of God's holy word and sacraments, by reason of any other form of institution, consecration, or ordering, than the form set forth by Parliament in the time of the late king of most worthy memory, King Edward VI, or now used in the reign of our most gracious sovereign lady, before the feast of the Nativity of Christ next following, shall in the presence of the bishop or guardian of the spiritualities of some one diocese where he has or shall have ecclesiastical living, declare his assent, and subscribe to all the articles of religion, which only concern the confession of the true Christian faith and the doctrine of the sacraments, comprised in a book imprinted, intituled: Articles, whereupon it was agreed by the archbishops and bishops of both provinces, and the whole clergy in the Convocation holden at London in the year of our Lord God one thousand five hundred sixty and two, according to the computation of the Church of England, for the avoiding of the diversities of opinions, and for the establishing of consent touching true religion put forth by the queen's authority; and shall bring from such bishop or guardian of spiritualities, in writing, under his seal authentic, a testimonial of such assent and subscription; and openly, on some Sunday, in the time of the public service afore noon, in every church where by reason of any ecclesiastical living he ought to attend, read both the said testimonial and the said Articles; upon pain that every such person which shall not before the said feast do as is above appointed, shall be *ipso facto* deprived, and all his ecclesiastical promotions shall be void, as if he then were naturally dead.

Every ecclesiastical person, under degree of bishop, not instituted according to form enjoined by Act of Edw. VI, or that now in force, to subscribe the Articles of 1562.

Certificate of such subscription to be given.

Penalty for refusal to subscribe.

Penalty for holding doctrine contrary to the Articles.

And that if any person ecclesiastical, or which shall have ecclesiastical living, shall advisedly maintain or affirm any doctrine directly contrary or repugnant to any of the said Articles, and being convented before the bishop of the

diocese or the ordinary, or before the queen's highness's commissioners in causes ecclesiastical, shall persist therein, or not revoke his error, or after such revocation eftsoon affirm such untrue doctrine, such maintaining or affirming and persisting, or such eftsoon affirming, shall be just cause to deprive such person of his ecclesiastical promotions; and it shall be lawful to the bishop of the diocese or the ordinary, or the said commissioners, to deprive such person so persisting, or lawfully convicted of such eftsoons affirming, and upon such sentence of deprivation pronounced he shall be indeed deprived. 1571.

What is required in him who shall be admitted to a benefice.

And that no person shall hereafter be admitted to any benefice with cure, except he then be of the age of three and twenty years at the least and a deacon, and shall first have subscribed the said Articles in presence of the ordinary, and publicly read the same in the parish church of that benefice, with declaration of his unfeigned assent to the same: and that every person after the end of this session of Parliament, to be admitted to a benefice with cure, except that within two months after his induction he do publicly read the said Articles in the same church whereof he shall have cure, in the time of common prayer there, with declaration of his unfeigned assent thereunto, and be admitted to minister the sacraments within one year after his induction, if he be not so admitted before, shall be upon every such default, *ipso facto*, immediately deprived.

The case of those holding under dispensation.

And that no person now permitted, by any dispensation or otherwise, shall retain any benefice with cure, being under the age of one and twenty years, or not being deacon at the least, or which shall not be admitted as is aforesaid, within one year next after the making of this Act, or within six months after he shall accomplish the age of four and twenty years, on pain that such his dispensation shall be merely void.

Qualification as to

And that none shall be made minister, or admitted to

1571. age and learning in ministers.

preach or administer the sacraments, being under the age of four and twenty years; nor unless he first bring to the bishop of that diocese, from men known to the bishop to be of sound religion, a testimonial both of his honest life and of his professing the doctrine expressed in the said Articles; nor unless he be able to answer and render to the ordinary an account of his faith, in Latin according to the said Articles, or have special gift and ability to be a preacher; nor shall be admitted to the order of deacon or ministry, unless he shall first subscribe to the said Articles.

None shall have a benefice of 30*l.* a year, or above, unless a B.D. or a preacher.

And that none hereafter shall be admitted to any benefice with cure, of or above the value of thirty pounds yearly in the queen's books, unless he shall then be a bachelor of divinity, or a preacher lawfully allowed by some bishop within this realm, or by one of the universities of Cambridge or Oxford.

Dispensations to the contrary void.

And that all admissions to benefices, institutions, and inductions, to be made of any person contrary to the form or any provision of this Act, and all tolerations, dispensations, qualifications, and licences whatsoever to be made to the contrary hereof, shall be merely void in law, as if they never were.

No lapse upon deprivation, but after notice.

Provided alway, that no title to confer or present by lapse, shall accrue upon any deprivation *ipso facto*, but after six months after notice of such deprivation given by the ordinary to the patron.

LXXXIV.

ARTICLES TOUCHING PREACHERS AND OTHER ORDERS FOR THE CHURCH, A.D. 1583.

WHITGIFT was elected archbishop on August 24, 1583. He was confirmed a month later. The first act of his episcopate was to issue, after consultation with the bishops of the province, the following Articles. They were sent to the bishops October 19, who were required to supply the archbishop with information as to conformity in their dioceses. 1583.

[Reg. I. Whitgift, fol. 97 a.]

1. That the laws late made against the recusants be put in more due execution considering the benefit that hath grown unto the Church thereby, where they have been so executed, and the encouragement which they and others do receive by remiss executing thereof. 1. Execution of the recusancy laws.

2. That all preaching, reading, catechizing, and other such-like exercises in private places and families, whereunto others do resort, being not of the same family, be utterly inhibited, seeing the same was never permitted as lawful, under any Christian magistrate, but is a manifest sign of schism, and a cause of contention in the Church. 2. Inhibition of private meetings.

3. That none be permitted to preach, read, or catechize in the church or elsewhere, unless he do, four times in the year at the least, say service, and minister the sacraments, according to the Book of Common Prayer. 3. Preachers are to say service, &c., at stated times.

4. That all preachers, and others in ecclesiastical orders, do at all times wear and use such kind of apparel as is prescribed unto them by the book of Advertisements and her majesty's Injunctions *anno primo*. 4. Clerical apparel to be worn as prescribed in the Advertisements.

5. That none be permitted to preach, or interpret the Scriptures, unless he be a priest, or deacon at the least, admitted thereunto according to the laws of this realm. 5. Preachers must be

1583.

ordained clergymen.

6. That none be permitted to preach, read, catechize, minister the sacraments, or to execute any other ecclesiastical function, by what authority soever he be admitted thereunto, unless he consent and subscribe to these Articles following, before the ordinary of the diocese wherein he preacheth, readeth, catechizeth, or ministereth the sacraments, viz.:

6. All who officiate are to subscribe as follows before the ordinary:

(1) The royal supremacy.

(1) That her majesty, under God, hath, and ought to have, the sovereignty and rule over all manner of persons born within her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, soever they be; and that no foreign power, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within her majesty's said realms, dominions, and countries.

(2) Lawfulness and use of the Prayer-book.

(2) That the Book of Common Prayer, and of ordering bishops, priests, and deacons, containeth nothing in it contrary to the word of God, and that the same may lawfully be used, and that he himself will use the form of the said book prescribed in public prayer and administration of the sacraments, and none other.

(3) Allowance of the Articles of 1562.

(3) That he alloweth the book of Articles of religion, agreed upon by the archbishops and bishops of both provinces, and the whole clergy in the Convocation holden at London in the year of our Lord God 1562, and set forth by her majesty's authority, and that he believeth all the Articles therein contained to be agreeable to the word of God.

7. None to be ordained without sufficient title.

7. That from henceforth none be admitted to any orders ecclesiastical, unless he do then presently show to the bishop a true presentation of himself to a benefice then void within the diocese or jurisdiction of the said bishop, or unless he show unto the same bishop a true certificate, where presently he may be placed to serve some cure within the same diocese or jurisdiction, or unless he be placed in some cathedral or collegiate church, or college in Cambridge

or Oxford, or unless the said bishop shall then forthwith place him in some vacant benefice or cure. 1583.

8. And that no bishop henceforth do admit any into orders, but such as shall be of his own diocese, unless he be of one of the universities, or bring his letters dimissory from the bishop of the diocese, and be of age full twenty-four years, and a graduate of the university, or at the least able in the Latin tongue to yield an account of his faith, according to the Articles of religion agreed upon in Convocation, and that in such sort as that he can note the sentences of Scripture whereupon the truth of the said Articles is grounded, and bring a sufficient testimonial with him of his honest life and conversation, either under the seal of some college in the universities, where he hath remained, or from some justice of the peace, with other honest men of that parish, where he hath made his abode for three years before; and that the bishop, which shall admit any into orders being not in this manner qualified, be by the archbishop, with the assistance of some one other bishop, suspended from admitting any into orders for the space of two years. 8. Candidates for ordination to be of the diocese, and of canonical age, competent learning, and good character duly certified.

9. And that no bishop institute any into a benefice, but such as be of the ability before prescribed: and if the Arches, by double quarrel or otherwise, proceed against the said bishop, for refusal of such as be not of that ability, that the Archbishop of Canterbury, either by his own authority or by means procured from her majesty, may stay such process, that the endeavour of the bishop may take place. 9. No bishop to institute a clerk unless qualified, and to be protected for refusal.

10. That one kind of translation of the Bible be only used in public service, as well in churches as chapels, and that to be the same which is now authorized by the consent of the bishops. 10. The authorized version of the Bible.

11. That from henceforth there be no commutation of penance, but in rare respects and upon great consideration, and when it shall appear to the bishop himself that that shall be the best way for winning and reforming of the 11. Penance only to be commuted in rare cases, and to be

1583. well applied, but with due tokens of amendment.

offender, and that the penalty be employed either to the relief of the poor of that parish or to other godly uses, and the same well witnessed and made manifest to the congregation; and yet, if the fault be notorious, that the offender make some satisfaction, either in his own person, with declarations of his repentance openly in the church, or else that the minister of the church openly in the pulpit signify to his people his submission and declaration of his repentance done before the ordinary, and also in token of his repentance what portion of money he hath given to be employed to the uses above named.

Marriage licences, where necessary, can only be granted under bonds and upon conditions following:

As persons of honest, worshipful, and honourable calling may necessarily and reasonably have occasions sometimes to solemnize marriage by licence for the banns asking or for once or twice without any great harm, so for avoiding generally of inconveniences noted in this behalf, it is thought expedient that no dispensations be granted for marriage without banns, but under sufficient and large bonds, with these conditions following:

1. If no impediment afterwards appear.

First, that there shall not afterwards appear any lawful let or impediment by reason of any pre-contract, consanguinity, affinity, or any other lawful means whatsoever.

2. If no suit be pending in connexion with any such impediment.

Secondly, that there be not at that present time of granting such dispensation any suit, plaint, quarrel, or demand moved or depending before any judge, ecclesiastical or temporal, for and concerning any such lawful impediment between such the parties; and

3. If parents or guardians consent.

Thirdly, they proceed not to the solemnization of the marriage without the consent of the parents or governors.

4. If the marriage take place in church, and a copy of the bond be filed under penalty.

Lastly, that the marriage be openly solemnized in the church. The copy of which bond is to be set down and given in charge for every bishop in his diocese to follow; provided that whosoever offendeth against this order be suspended *ab executione officii* for one half-year.

LXXXV.

ACT AGAINST JESUITS AND SEMINARISTS, A. D. 1585.

27 ELIZABETH, CAP. 2.

THIS Act was the first passed directly against Jesuits and Seminarists, although they virtually came under the penalties of the Elizabethan Supremacy Act (*ante*, No. LXXIX), and also under the Acts 5 Eliz. cap. 1, and 13 Eliz. cap. 1, sec. 1. The present Act was stringently reinforced by 1 Jac. I, cap. 4, 'For the due execution of the Statutes against Jesuits, Seminary Priests,' &c. Proclamations were issued expelling Roman Catholic priests in 1604, 1606, and 1625. After this time the special anti-Jesuit laws slumbered until 13 Anne, cap. 13, vested the punishment of Jesuits in Scotland in the Lords of Justiciary. 1585.

[Transcr. Statutes of the Realm, iv. pt. i. p. 706.]

Whereas divers persons called or professed Jesuits, seminary priests, and other priests, which have been, and from time to time are made in the parts beyond the seas, by or according to the order and rites of the Romish Church, have of late years come and been sent, and daily do come and are sent, into this realm of England and other the queen's majesty's dominions, of purpose (as has appeared, as well by sundry of their own examinations and confessions, as by divers other manifest means and proofs) not only to withdraw her highness's subjects from their due obedience to her majesty, but also to stir up and move sedition, rebellion, and open hostility within the same her highness's realms and dominions, to the great endangering of the safety of her most royal person, and to the utter ruin, desolation, and overthrow of the whole realm, if the same be not the sooner by some good means foreseen and prevented: Influx of Jesuit priests to England. Objects of their visit. Danger therefrom.

For reformation whereof be it ordained, established, and All priests, ordained

1585. since June 24 last, out of the queen's dominions, to quit the realm.

enacted by the queen's most excellent majesty, and the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same Parliament, that all and every Jesuits, seminary priests, and other priests whatsoever made or ordained out of the realm of England or other her highness's dominions, or within any of her majesty's realms or dominions, by any authority, power, or jurisdiction derived, challenged, or pretended from the see of Rome, since the feast of the Nativity of St. John Baptist in the first year of her highness's reign, shall within forty days next after the end of this present session of Parliament depart out of this realm of England, and out of all other her highness's realms and dominions, if the wind, weather, and passage shall serve for the same, or else so soon after the end of the said forty days as the wind, weather, and passage shall so serve.

Those born within this realm, ordained by Roman authority since June 24, shall not come to or remain in the said realm.

And be it further enacted by the authority aforesaid, that it shall not be lawful to or for any Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person whatsoever, being born within this realm, or any other her highness's dominions, and heretofore since the said feast of the Nativity of St. John Baptist, in the first year of her majesty's reign, made, ordained, or professed, or hereafter to be made, ordained, or professed, by any authority or jurisdiction derived, challenged, or pretended from the see of Rome, by or of what name, title, or degree soever the same shall be called or known, to come into, be, or remain in any part of this realm, or any other her highness's dominions, after the end of the same forty days, other than in such special cases, and upon such special occasions only, and for such time only, as is expressed in this Act; and if he do, that then every such offence shall be taken and adjudged to be high treason; and every person so offending shall for his offence be adjudged a traitor, and shall suffer, lose, and forfeit, as in case of high treason.

1585.

Penalty for receiving or relieving such priests.

And every person which after the end of the same forty days, and after such time of departure as is before limited and appointed, shall wittingly and willingly receive, relieve, comfort, aid, or maintain any such Jesuit, seminary priest, or other priest, deacon, or religious or ecclesiastical person, as is aforesaid, being at liberty, or out of hold, knowing him to be a Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person, as is aforesaid, shall also for such offence be adjudged a felon, without benefit of clergy, and suffer death, lose, and forfeit, as in case of one attainted of felony.

They who be in seminaries abroad, shall, after proclamation, return and take the oath.

And be it further enacted by the authority aforesaid, if any of her majesty's subjects (not being a Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person, as is before mentioned) now being, or which hereafter shall be of, or brought up in, any college of Jesuits, or seminary already erected or ordained, or hereafter to be erected or ordained, in the parts beyond the seas, or out of this realm in any foreign parts, shall not within six months next after proclamation in that behalf to be made in the city of London, under the great seal of England, return into this realm, and thereupon within two days next after such return, before the bishop of the diocese, or two justices of peace of the county where he shall arrive, submit himself to her majesty and her laws, and take the oath set forth by Act in the first year of her reign; that then every such person which shall otherwise return, come into, or be in this realm or any other her highness's dominions, for such offence of returning or being in this realm or any other her highness's dominions, without submission, as aforesaid, shall also be adjudged a traitor, and suffer, lose and forfeit, as in case of high treason.

Penalty for sending relief to priests, or

And be it further enacted by the authority aforesaid, if any person under her majesty's subjection or obedience shall at any time after the end of the said forty days, by

1585. other persons, abiding in seminaries abroad.

way of exchange, or by any other shift, way, or means whatsoever, wittingly and willingly, either directly or indirectly, convey, deliver or send, or cause or procure to be conveyed or delivered, to be sent over the seas, or out of this realm, or out of any other her majesty's dominions or territories, into any foreign parts, or shall otherwise wittingly or willingly yield, give, or contribute any money or other relief to or for any Jesuit, seminary priest, or such other priest, deacon, or religious or ecclesiastical person, as is aforesaid, or to or for the maintenance or relief of any college of Jesuits, or seminary already erected or ordained, or hereafter to be erected or ordained, in any the parts beyond the seas, or out of this realm in any foreign parts, or of any person then being of or in any the same colleges or seminaries, and not returned into this realm with submission, as in this Act is expressed, and continuing in the same realm: that then every such person so offending, for the same offence shall incur the danger and penalty of a *Præmunire*, mentioned in the Statute of *Præmunire*, made in the sixteenth year of the reign of King Richard II.

Penalty for sending children abroad for education.

And be it further enacted by the authority aforesaid, that it shall not be lawful for any person of or under her highness's obedience, at any time after the said forty days, during her majesty's life (which God long preserve) to send his or her child, or other person, being under his or her government, into any the parts beyond the seas out of her highness's obedience, without the special licence of her majesty, or of four of her highness's privy council, under their hands in that behalf first had or obtained (except merchants, for such only as they or any of them shall send over the seas only for or about his, her, or their trade of merchandise, or to serve as mariners, and not otherwise) upon pain to forfeit and lose for every such their offence the sum of one hundred pounds.

Where offences

And be it also enacted by the authority aforesaid, that

every offence to be committed or done against the tenor of this Act shall and may be inquired of, heard and determined, as well in the court commonly called the king's bench in the county where the same court shall for the time be, as also in any other county within this realm, or any other her highness's dominions where the offence is or shall be committed, or where the offender shall be apprehended and taken. 1585. committed against this Act shall be inquired of and determined.

Provided also, and be it enacted by the authority aforesaid, that it shall and may be lawful for and to every owner and master of any ship, bark or boat, at any time within the said forty days, or other time before limited for their departure, to transport into any the parts beyond the seas, any such Jesuit, seminary priest, or other priest aforesaid, so as the same Jesuit, seminary priest, or other priest aforesaid so to be transported, do deliver unto the mayor or other chief officer of the town, port or place, where he shall be taken in to be transported, his name, and in what place he received such order, and how long he has remained in this realm, or in any other her highness's dominions, being under her obedience. Special saving for ship-owners transporting Jesuits beyond seas within a certain time.

Provided also, that this Act, or anything therein contained, shall not in anywise extend to any such Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person as is before mentioned, as shall at any time within the said forty days, or within three days after that he shall hereafter come into this realm, or any other her highness's dominions, submit himself to some archbishop or bishop of this realm, or to some justice of peace within the county where he shall arrive or land, and do thereupon truly and sincerely, before the same archbishop, bishop, or such justice of peace, take the said oath set forth in *anno primo*, and by writing under his hand confess and acknowledge, and from thenceforth continue, his due obedience unto her highness's laws, statutes and ordinances, Special saving for Jesuits taking the oath of allegiance.

1585. made and provided or to be made or provided in causes of religion.

Peers offending, to be tried by peers.

Provided always, if it happen at any time hereafter any peer of this realm to be indicted of any offence made treason, felony or *Præmunire*, by this Act, that he shall have his trial by his peers, as in other cases of treason, felony or *Præmunire*, is accustomed.

Special saving for Jesuits in ill-health,

Provided nevertheless, and it is declared by authority aforesaid, that if any such Jesuit, seminary priest, or other priests abovesaid, shall fortune to be so weak or infirm of body, that he or they may not pass out of the realm by the time herein limited without imminent danger of life, and this understood as well by the corporal oath of the party as by other good means, unto the bishop of the diocese and two justices of peace of the same county where such person or persons do dwell or abide; that then, and upon good and sufficient bond of the person or persons, with sureties, of the sum of two hundred pounds at the least, with condition that he or they shall be of good behaviour towards our sovereign lady the queen and all her liege people, then he or they so licensed and doing as is aforesaid, shall and may remain and be still within this realm, without any loss or danger to fall on him or them by this Act, for so long time as by the same bishop and justices shall be limited and appointed, so as the same time of abode exceed not the space of six months at the most;

and for those maintaining them.

And that no person or persons shall sustain any loss, or incur any danger by this Act, for the receiving or maintaining of any such person or persons so licensed as is aforesaid, for and during such time only as such person or persons shall be so licensed to tarry within this realm, anything contained in this Act to the contrary notwithstanding.

Penalty for withholding

And be it also further enacted by authority aforesaid, that every person or persons, being subjects of this realm,

which after the said forty days shall know and understand that any such Jesuit, seminary priest, or other priest above-said, shall abide, stay, tarry, or be within this realm or other the queen's dominions and countries, contrary to the true meaning of this Act, and shall not discover the same unto some justice of peace or other higher officer, within twelve days next after his said knowledge, but willingly conceal his knowledge therein; that every such offender shall make fine, and be imprisoned at the queen's pleasure. And that if such justice of peace, or other such officer to whom such matter shall be so discovered, do not within eight and twenty days then next following give information thereof to some of the queen's privy council, or to the president or vice-president of the queen's council established in the north, or in the marches of Wales, for the time being; that then he or they so offending shall, for every such offence, forfeit the sum of two hundred marks. 1585. knowledge of a Jesuit remaining within the realm.

And be it likewise enacted by the authority aforesaid, that such of the privy council, president or vice-president, to whom such information shall be made, shall thereupon deliver a note in writing, subscribed with his own hand, to the party by whom he shall receive such information, testifying that such information was made unto him. A certificate to be given to the informer.

And be it also enacted, that all such oaths, bonds, and submissions, as shall be made by force of this Act, as aforesaid, shall be certified into the chancery by such parties before whom the same shall be made, within three months after such submission; upon pain to forfeit and lose for every such offence one hundred pounds of lawful English money; the said forfeiture to be to the queen, her heirs and successors: Oaths, bonds, and submissions to be certified into the chancery.

And that if any person so submitting himself, as aforesaid, do at any time within the space of ten years after such submission made, come within ten miles of such place where her majesty shall be, without especial licence from her Even Jesuits submitting, shall not come within ten

1585. majesty in that behalf to be obtained in writing under her
miles of the queen, without licence. hand; that then and from thenceforth such person shall take no benefit of the said submission, but that the same submission shall be void as if the same had never been.

LXXXVI.

THE ACT AGAINST PURITANS, A.D. 1593.

35 ELIZABETH, CAP. 1.

1593. THIS Act was the culmination of the measures taken by Elizabeth to repress Puritanism. Her legislation began with the Supremacy Act (*ante*, No. LXXVIII), and was continued by the Uniformity Act (*ante*, No. LXXIX), and the proclamation of 1573 addressed to the bishops appointing a special commission of *oyer* and *terminer*. Account must also be taken of the proceedings of the courts of Star Chamber and High Commission. The Act of 1593 was continued by 3 Car. I, cap. 4, saving certain clauses repealed by 3 Jac. I, cap. 4, and was further continued by 16 Car. I, cap. 4. The Toleration Act (*post*, No. CXXIII) may be considered to have finally abrogated the Act of Elizabeth.

[Transcr. Statutes of the Realm, iv. pt. 2, p. 841.]

Punishment for refusing to come to church, For the preventing and avoiding of such great inconveniencies and perils as might happen and grow by the wicked and dangerous practices of seditious sectaries and disloyal persons; be it enacted by the Queen's most excellent majesty, and by the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons above the age of sixteen years, which shall obstinately refuse to repair to some church, chapel, or usual place of common prayer, to hear divine service established by her majesty's laws and statutes in that behalf made, and shall forbear to do the same by the space of a month next after, without lawful cause, shall at any time after forty days next after the

end of this session of Parliament, by printing, writing, or express words or speeches, advisedly and purposely practise or go about to move or persuade any of her majesty's subjects, or any other within her highness's realms or dominions, to deny, withstand, and impugn her majesty's power and authority in causes ecclesiastical, united, and annexed to the imperial crown of this realm; or to that end or purpose shall advisedly and maliciously move or persuade any other person whatsoever to forbear or abstain from coming to church to hear divine service, or to receive the communion according to her majesty's laws and statutes aforesaid, or to come to or be present at any unlawful assemblies, conventicles, or meetings, under colour or pretence of any exercise of religion, contrary to her majesty's said laws and statutes; or if any person or persons which shall obstinately refuse to repair to some church, chapel, or usual place of common prayer, and shall forbear by the space of a month to hear divine service, as is aforesaid, shall after the said forty days, either of him or themselves, or by the motion, persuasion, enticement, or allurement of any other, willingly join, or be present at, any such assemblies, conventicles, or meetings, under colour or pretence of any such exercise of religion, contrary to the laws and statutes of this realm, as is aforesaid; that then every such person so offending as aforesaid, and being thereof lawfully convicted, shall be committed to prison, there to remain without bail or mainprise, until they shall conform and yield themselves to come to some church, chapel, or usual place of common prayer, and hear divine service, according to her majesty's laws and statutes aforesaid, and to make such open submission and declaration of their said conformity, as hereafter in this Act is declared and appointed.

1593. or for inducing the challenge of the queen's title in ecclesiastical causes.

Penalty for presence at conventicles.

Provided always, and be it further enacted by the authority aforesaid, that if any such person or persons, which shall offend against this Act as aforesaid, shall not within three

Obstinate offenders to abjure the realm,

1593. months next after they shall be convicted of their said offence, conform themselves to the obedience of the laws and statutes of this realm, in coming to the church to hear divine service, and in making such public confession and submission, as hereafter in this Act is appointed and expressed, being thereunto required by the bishop of the diocese, or any justice of the peace of the county where the same person shall happen to be, or by the minister or curate of the parish; that in every such case every such offender, being thereunto warned or required by any justice of the peace of the same county where such offender shall then be, shall upon his and their corporal oath before the justices of the peace in the open quarter sessions of the same county, or at the assizes and gaol-delivery of the same county, before the justices of the same assizes and gaol-delivery, abjure this realm of England, and all other the queen's majesty's dominions for ever, unless her majesty shall license the party to return, and thereupon shall depart out of this realm at such haven or port, and within such time, as shall in that behalf be assigned and appointed by the said justices before whom such abjuration shall be made, unless the same offender be letted or stayed by such lawful and reasonable means or causes, as by the common laws of this realm are permitted and allowed in cases of abjuration for felony; and in such cases of let or stay, then within such reasonable and convenient time after, as the common law requires in case of abjuration for felony, as is aforesaid; and that the justices of peace before whom any such abjuration shall happen to be made, as is aforesaid, shall cause the same presently to be entered of record before them, and shall certify the same to the justices of assizes and gaol-delivery of the said county, at the next assizes or gaol-delivery to be holden in the same county.

and not return without licence.

Penalties for offences

And if any such offender, which by the tenor and intent of this Act is to be abjured as is aforesaid, shall refuse

to make such abjuration as is aforesaid, or after such abjuration made, shall not go to such haven, and within such time as is before appointed, and from thence depart out of this realm, according to this present Act, or after such his departure shall return or come again into any her majesty's realms or dominions, without her majesty's special licence in that behalf first had and obtained; that then, in every such case, the person so offending shall be adjudged a felon, and shall suffer as in case of felony, without benefit of clergy. 1593. under this Act.

And furthermore be it enacted by the authority of this present Parliament, that if any person or persons that shall at any time hereafter offend against this Act, shall before he or they be so warned or required to make abjuration according to the tenor of this Act, repair to some parish church on some Sunday or other festival day, and then and there hear divine service, and at service-time, before the sermon, or reading of the gospel, make public and open submission and declaration of his and their conformity to her majesty's laws and statutes, as hereafter in this Act is declared and appointed; that then the same offender shall thereupon be clearly discharged of and from all and every the penalties and punishments inflicted or imposed by this Act for any of the offences aforesaid. The same submission to be made as hereafter follows, that is to say: An offender shall be discharged upon his open submission.

'I, *A. B.*, do humbly confess and acknowledge, that I have grievously offended God in condemning her majesty's godly and lawful government and authority, by absenting myself from church, and from hearing divine service, contrary to the godly laws and statutes of this realm, and in using and frequenting disordered and unlawful conventicles and assemblies, under pretence and colour of exercise of religion: and I am heartily sorry for the same, and do acknowledge and testify in my conscience that no other person has or ought to have any power or authority over her majesty: and I do Form of the submission.

1593. promise and protest, without any dissimulation, or any colour or means of any dispensation, that from henceforth I will from time to time obey and perform her majesty's laws and statutes, in repairing to the church and hearing divine service, and do my uttermost endeavour to maintain and defend the same.'

The minister shall enter the submission in a book.

And that every minister or curate of every parish where such submission and declaration of conformity shall hereafter be so made by any such offender as aforesaid, shall presently enter the same into a book to be kept in every parish for that purpose, and within ten days next following shall certify the same in writing to the bishop of the same diocese.

Penalty for relapsing.

Provided nevertheless, that if any such offender, after such submission made as is aforesaid, shall afterwards fall into relapse, or eftsoons obstinately refuse to repair to some church, chapel, or usual place of common prayer, to hear divine service, and shall forbear the same as aforesaid, or shall come and be present at any such assemblies, conventicles, or meetings, under colour or pretence of any exercise of religion, contrary to her majesty's laws and statutes; that then every such offender shall lose all such benefit as he or she might otherwise by virtue of this Act have or enjoy by reason of their said submission, and shall thereupon stand and remain in such plight, condition, and degree, to all intents as though such submission had never been made.

Penalty for sheltering offenders,

And for that every person having house and family, is in duty bound to have special regard of the good government and ordering of the same; be it enacted by the authority aforesaid, that if any person or persons shall at any time hereafter relieve, maintain, retain, or keep in his or their house or otherwise, any person which shall obstinately refuse to come to some church, chapel, or usual place of common prayer, to hear divine service, and shall forbear the same by the space of a month together, contrary to the laws and

statutes of this realm; that then every person who shall so relieve, maintain, retain, or keep any such person offending as aforesaid, after notice thereof to him or them given by the ordinary of the diocese, or any justice of assizes of the circuit, or any justice of peace of the county, or the minister, curate, or churchwardens of the parish where such person shall then be, or by any of them, shall forfeit to the queen's majesty for every person so relieved, maintained, retained, or kept, after such notice as aforesaid, ten pounds for every month that he or they shall so relieve, maintain, retain, or keep any such person so offending. 1593.

unless connected by bonds of matrimony or by kindred.

Provided nevertheless, that this Act shall not in any wise extend to punish or impeach any person or persons for relieving, maintaining, or keeping his or their wife, father, mother, child or children, ward, brother or sister, or his wife's father or mother, not having any certain place of habitation of their own, or the husbands or wives of any of them; or for relieving, maintaining, or keeping any such person as shall be committed by authority to the custody of any by whom they shall be so relieved, maintained, or kept; anything in this Act contained to the contrary notwithstanding.

Remedy for the recovery of forfeitures.

And for the more speedy levying and recovering, for and by the queen's majesty, of all and singular the pains, duties, forfeitures and payments which at any time hereafter shall accrue, grow, or be payable by virtue of this Act, or of the statute made in the three and twentieth year of her majesty's reign concerning recusants; be it enacted by the authority aforesaid, that all and every the said pains, duties, forfeitures, and payments, shall and may be recovered and levied to her majesty's use, by action of debt, bill, plaint, information, or otherwise, in any of the courts commonly called the king's bench, common pleas, or exchequer, in such sort, and in all respects, as by the ordinary course of the common laws of this realm any other debt due by any such person in any other

1593. case should or may be recovered or levied, wherein no essoin, protection, or wager of law shall be admitted or allowed[1].

Third part of penalties devoted to charity.

Provided always, that the third part of the penalties to be had or received by virtue of this Act, shall be employed and bestowed to such good and charitable uses, and in such manner and form, as is limited and appointed in the statute made in the twenty-eighth year of her majesty's reign touching recusants.

Proviso for popish recusants, &c.

Provided also, that no popish recusant, or *feme covert*, shall be compelled or bound to abjure by virtue of this Act.

Forfeitures under the Act defined.

Provided also, that every person that shall abjure by force of this Act, or refuse to abjure, being thereunto required as aforesaid, shall forfeit and lose to her majesty all his goods and chattels for ever, and shall further lose all his lands, tenements, and hereditaments, for and during the life only of such offender, and no longer, and that the wife of any offender, by force of this Act, shall not lose her dower; nor that any corruption of blood shall grow or be by reason of any offence mentioned in this Act, but that the heir of every such offender, by force of this Act, shall and may, after the death of every offender, have and enjoy the lands, tenements, and hereditaments of such offender, as if this Act had not been made: and this Act to continue no longer than to the end of the next session of Parliament.

This Act only to continue to end of next session.

LXXXVII.

THE ACT AGAINST RECUSANTS, 1593.

35 Elizabeth, cap. 2.

1593. Legislation against Roman Catholics under Elizabeth culminated in the Act which follows. It was preceded by the Supremacy Act (*ante*, No. LXXVIII); the Act 5 Eliz. cap. 1, For the assurance of the

[1] This and the two following provisoes are annexed to the original Act in a separate schedule.

queen's royal power over all estates and subjects within her majesty's dominions; the Act 13 Eliz. cap. 2, Against bringing in and executing papal bulls; the Act 23 Eliz. cap. 1, Against receiving absolution from the See of Rome; and 28 & 29 Eliz. cap. 6. See also the Act against Jesuits, &c. (*ante*, No. LXXXV). Subsequent anti-Romanist Acts were the following:—3 Jac. I, cap. 4, For the better discovering and repressing of Popish Recusants; 3 Jac. I, cap. 5, To prevent and avoid dangers which may grow by Popish Recusants; 25 Car. II, cap. 2, For preventing dangers which may happen from Popish Recusants; 1 Will. and Mary, cap. 26, sections 9, 15; 9 & 10 Will. III, cap. 32; and finally 13 Ann. cap. 13, which rendered 3 Jac. I, cap. 5, more effectual. An outline of the growth of toleration can be seen in Hore's *Church in England from William III to Victoria*, vol. i. p. 436. 1593.

[Transcr. Statutes of the Realm, iv. pt. ii. p. 843.]

For the better discovering and avoiding of all such traitorous and most dangerous conspiracies and attempts as are daily devised and practised against our most gracious sovereign lady the queen's majesty and the happy estate of this commonweal, by sundry wicked and seditious persons, who, terming themselves Catholics, and being indeed spies and intelligencers, not only for her majesty's foreign enemies, but also for rebellious and traitorous subjects born within her highness's realms and dominions, and hiding their most detestable and devilish purposes under a false pretext of religion and conscience, do secretly wander and shift from place to place within this realm, to corrupt and seduce her majesty's subjects, and to stir them to sedition and rebellion: Objects of this Act.

Be it ordained and enacted by our sovereign lady the queen's majesty, and the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that every person above the age of sixteen years, born within any of the queen's majesty's realms and dominions, or made denizen, being a popish recusant, and before the end of this session of Parliament, convicted for not repairing to some church, chapel, or usual All recusants above sixteen to repair to their places of abode.

1593. place of common prayer, to hear divine service there, but forbearing the same, contrary to the tenor of the laws and statutes heretofore made and provided in that behalf, and having any certain place of dwelling and abode within this realm, shall within forty days next after the end of this session of Parliament (if they be within this realm, and not restrained or stayed either by imprisonment, or by her majesty's commandment, or by order and direction of some six or more of the privy council, or by such sickness or infirmity of body, as they shall not be able to travel without imminent danger of life, and in such cases of absence out of the realm, restraint, or stay, then within twenty days next after they shall return into the realm, and be enlarged of such imprisonment or restraint, and shall be able to travel) repair to their place of dwelling where they usually heretofore made their common abode, and shall not, any time after, pass or remove above five miles from thence.

And not remove within five miles of the same.

Recusants hereafter convicted shall repair to their usual dwelling.

And also that every person being above the age of sixteen years, born within any her majesty's realms or dominions, or made denizen, and having, or which hereafter shall have, any certain place of dwelling and abode within this realm, which, being then a popish recusant, shall at any time hereafter be lawfully convicted for not repairing to some church, chapel, or usual place of common prayer, to hear divine service there, but forbearing the same contrary to the said laws and statutes, and being within this realm at the time that they shall be convicted, shall within forty days next after the same conviction (if they be not restrained or stayed by imprisonment or otherwise, as is aforesaid, and in such cases of restraint and stay, then within twenty days next after they shall be enlarged of such imprisonment or restraint, and shall be able to travel) repair to their place of usual dwelling and abode, and shall not at any time after pass or remove above five miles from thence; upon pain that every person and persons that shall offend against the tenor and intent

The penalty for offending.

of this Act in anything before mentioned, shall lose and forfeit all his and their goods and chattels, and shall also forfeit to the queen's majesty all the lands, tenements, and hereditaments, and all the rents and annuities of every such person so doing or offending, during the life of the same offender. 1593.

Recusants having no settled abode to remove to place of birth, or dwelling-place of parents.

And be it also enacted by the authority aforesaid, that every person above the age of sixteen years, born within any her majesty's realms or dominions, not having any certain place of dwelling and abode within this realm, and being a popish recusant, not usually repairing to some church, chapel, or usual place of common prayer, but forbearing the same, contrary to the same laws and statutes in that behalf made, shall within forty days next after the end of this session of Parliament (if they be then within this realm, and not imprisoned, restrained, or stayed as aforesaid, and in such case of absence out of the realm, imprisonment, restraint, or stay, then within twenty days next after they shall return into the realm, and be enlarged of such imprisonment or restraint, and shall be able to travel) repair to the place where such person was born, or where the father or mother of such person shall then be dwelling, and shall not at any time after remove or pass above five miles from thence; upon pain that every person and persons which shall offend against the tenor and intent of this Act in anything before mentioned, shall lose and forfeit all his and their goods and chattels, and shall also forfeit to the queen's majesty all the lands, tenements, and hereditaments, and all the rents and annuities of every such person so doing or offending, during the life of the same person.

Forfeiture for removing beyond five miles.

Recusant copy-holders.

And be it further enacted by the authority aforesaid, that every such offender as is before mentioned, which has or shall have any lands, tenements, or hereditaments, by copy of court-roll, or by any other customary tenure at the will of the lord, according to the custom of any manor, shall forfeit

1593. all and singular his and their said lands, tenements, and hereditaments so holden by copy of court-roll or customary tenure, as aforesaid, for and during the life of such offender (if his or her estate so long continue) to the lord or lords of whom the same be immediately holden, if the same lord or lords be not then a popish recusant, and convicted for not coming to church to hear divine service, but forbearing the same contrary to the laws and statutes aforesaid, nor seised or possessed upon trust, to the use or behoof of any such recusant as aforesaid, and in such case the same forfeiture to be to the queen's majesty.

Recusants shall notify their place of living, and deliver their names to the curate.

Provided always, and be it further enacted by the authority aforesaid, that all such persons as by the intent and true meaning of this Act are to make their repair to their place of dwelling and abode, or to the place where they were born, or where their father or mother shall be dwelling, and not to remove or pass above five miles from thence as is aforesaid, shall within twenty days next after their coming to any of the said places (as the case shall happen) notify their coming thither, and present themselves, and deliver their true names in writing, to the minister or curate of the same parish, and to the constable, headborough, or tithingman of the town, and thereupon the said minister or curate shall presently enter the same into a book to be kept in every parish for that purpose.

Recusants' names to be certified to the justices.

And afterwards the said minister or curate, and the said constable, headborough, or tithingman, shall certify the same in writing to the justices of the peace of the same county at the next general or quarter-sessions to be holden in the said county, and the said justices shall cause the same to be entered by the clerk of the peace in the rolls of the same sessions.

Penalty for recusants of small or no estate.

And to the end that the realm be not pestered and overcharged with the multitude of such seditious and dangerous people as is aforesaid, who, having little or no ability to

answer or satisfy any competent penalty for their contempt and disobedience of the said laws and statutes, and being committed to prison for the same, do live for the most part in better case there, than they could if they were abroad at their own liberty; the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, do most humbly and instantly beseech the queen's majesty, that it may be further enacted, that if any such person or persons, being a popish recusant (not being a *feme covert*, and not having lands, tenements, rents, or annuities, of an absolute estate of inheritance or freehold, of the clear yearly value of twenty marks, above all charges, to their own use and behoof, and not upon any secret trust or confidence for any other, or goods and chattels in their own right, and to their own proper use and behoof, and not upon any such secret trust and confidence for any other, above the value of forty pounds) shall not within the time before in this Act in that behalf limited and appointed, repair to their place of usual dwelling and abode, if they have any, or else to the place where they were born, or where their father or mother shall be dwelling, according to the tenor and intent of this present Act, and thereupon notify their coming, and present themselves, and deliver their true names in writing to the minister or curate of the parish, and to the constable, headborough, or tithingman of the town, within such time, and in such manner and form as is aforesaid, or at any time after such their repairing to any such place as is before appointed, shall pass or remove above five miles from the same, and shall not within three months next after such person shall be apprehended or taken for offending as is aforesaid, conform themselves to the obedience of the laws and statutes of this realm, in coming usually to the church to hear divine service, and in making such public confession and submission, as hereafter in this Act is appointed and expressed, being thereunto required by the bishop of the 1593.

1593. diocese, or any justice of the peace of the county where the same person shall happen to be, or by the minister or curate of the parish; that in every such case every such offender, being thereunto warned or required by any two justices of the peace or coroner of the same county where such offenders shall then be, shall upon his and their corporal oath before any two justices of the peace, or coroner of the same county, abjure this realm of England, and all other the queen's majesty's dominions for ever; and thereupon shall depart out of this realm at such haven and port, and within such time, as shall in that behalf be assigned and appointed by the said justices of peace or coroner, before whom such abjuration shall be made, unless the same offenders be letted or stayed by such lawful and reasonable means or causes, as by the common laws of this realm are permitted and allowed in cases of abjuration for felony; and in such cases of let or stay, then within such reasonable and convenient time after, as the common law requires in case of abjuration for felony as is aforesaid.

Entering abjurations of record, and certifying the same.

And that every justice of peace or coroner before whom any such abjuration shall happen to be made as is aforesaid shall cause the same presently to be entered of record before them, and shall certify the same to the justices of assizes or gaol-delivery of the said county, at the next assizes or gaol-delivery to be holden in the same county.

Felony not to abjure, or to return without licence.

And if any such offender, which by the tenor and intent of this Act is to be abjured as is aforesaid, shall refuse to make such abjuration as is aforesaid, or after such abjuration made shall not go to such haven, and within such time as is before appointed, and from thence depart out of this realm, according to this present Act, or after such his departure shall return or come again into any her majesty's realms or dominions, without her majesty's special licence in that behalf first had and obtained; that then, in every such case, the person so offending shall be adjudged a felon,

and shall suffer and lose as in case of felony without benefit of clergy. 1593.

A Jesuit or priest refusing to answer shall be imprisoned.

And be it further enacted and ordained by the authority aforesaid, that if any person which shall be suspected to be a Jesuit, seminary or massing priest, being examined by any person having lawful authority in that behalf to examine such person which shall be so suspected, shall refuse to answer directly and truly whether he be a Jesuit, or a seminary or massing priest, as is aforesaid, every such person so refusing to answer shall for his disobedience and contempt in that behalf, be committed to prison by such as shall examine him as is aforesaid, and thereupon shall remain and continue in prison without bail or mainprize, until he shall make direct and true answer to the said questions whereupon he shall be so examined.

Licence to travel above five miles. Repealed by 3 Jac. I, c. 5, s. 6.

Provided nevertheless, and be it further enacted by the authority aforesaid, that if any of the persons which are hereby limited and appointed to continue and abide within five miles of their usual dwelling-place, or of such place where they were born, or where their father or mother shall be dwelling as is aforesaid, shall have necessary occasion or business to go and travel out of the compass of the said five miles; that then, and in every such case—upon licence in that behalf to be gotten under the hands of two of the justices of the peace of the same county, with the privity and assent in writing of the bishop of the diocese, or of the lieutenant, or of any deputy-lieutenant of the same county, under their hands—it shall and may be lawful for every such person to go and travel about such their necessary business, and for such time only for their travelling, attending, and returning, as shall be comprised in the same licence; anything before in this Act to the contrary notwithstanding.

Proviso for recusants returning

Provided also, that if any such person so restrained as is aforesaid, shall be urged by process, without fraud or covin, or be bounden without fraud or covin, to make appearance

1593. when legally called, in any of her majesty's courts, or shall be sent for, commanded, or required by any three or more of her majesty's privy council, or by any four or more of any commissioners to be in that behalf nominated and assigned by her majesty, to make appearance before her majesty's said council or commissioners; that in every such case, every such person so bounden, urged, commanded, or required to make such appearance, shall not incur any pain, forfeiture, or loss for travelling to make appearance accordingly, nor for his abode concerning the same, nor for convenient time for his return back again upon the same.

or who are bound to yield themselves to the sheriff. And be it further provided and enacted by the authority aforesaid, that if any such person or persons so restrained as is aforesaid, shall be bound, or ought to yield and render their bodies to the sheriff of the county where they shall happen to be, upon proclamation in that behalf without fraud or covin to be made; that then in every such case, every such person which shall be so bounden, or ought to yield and render their body as aforesaid, shall not incur any pain, forfeiture, or loss for travelling for that intent and purpose only, without any fraud or covin, nor for convenient time taken for the return back again upon the same.

Offenders, upon open submission, shall be discharged. And furthermore be it enacted by the authority of this present Parliament, that if any person, or persons, that shall at any time hereafter offend against this Act, shall before he or they shall be thereof convicted come to some parish church on some Sunday or other festival day, and then and there hear divine service, and at service-time, before the sermon, or reading of the gospel, make public and open submission and declaration of his and their conformity to her majesty's laws and statutes, as hereafter in this Act is declared and appointed; that then the same offender shall thereupon be clearly discharged of and from all and every pains and forfeitures inflicted or imposed by this Act for any of the said offences in this Act contained: the same

submission to be made as hereafter follows, that is to say: 1593.

'I, *A. B.*, do humbly confess and acknowledge, that I have grievously offended God in contemning her majesty's godly and lawful government and authority, by absenting myself from church, and from hearing divine service, contrary to the godly laws and statutes of this realm: and I am heartily sorry for the same, and do acknowledge and testify in my conscience, that the bishop or see of Rome has not, nor ought to have, any power or authority over her majesty, or within any her majesty's realms or dominions: and I do promise and protest, without any dissimulation, or any colour or means of any dispensation, that from henceforth I will from time to time obey and perform her majesty's laws and statutes, in repairing to the church, and hearing divine service, and do my uttermost endeavour to maintain and defend the same.' The form of the submission.

And that every minister or curate of every parish, where such submission and declaration of conformity shall hereafter be so made by any such offender as aforesaid, shall presently enter the same into a book to be kept in every parish for that purpose, and within ten days then next following shall certify the same in writing to the bishop of the same diocese. The minister or curate shall enter the submission.

Provided nevertheless, that if any such offender, after such submission made as is aforesaid, shall afterwards fall into, relapse, or eftsoons become a recusant, in not repairing to church to hear divine service, but shall forbear the same, contrary to the laws and statutes in that behalf made and provided; that then every such offender shall lose all such benefit as he or she might otherwise, by virtue of this Act, have or enjoy by reason of their said submission; and shall thereupon stand and remain in such plight, condition, and degree, to all intents, as though such submission had never been made. Condition of recusants relapsing into recusancy.

1593. Women recusants.

Provided[1] always, and be it enacted by the authority aforesaid, that all and every woman married, or hereafter to be married, shall be bound by all and every article, branch, and matter contained in this statute, other than the branch and article of abjuration before mentioned: and that no such woman married, or to be married, during marriage, shall be in anywise forced or compelled to abjure, or be abjured, by virtue of this Act; anything therein contained to the contrary thereof notwithstanding.

LXXXVIII.

THE MILLENARY PETITION, A.D. 1603.

1603. THIS petition was presented to James on his way to London after his accession. The date is April, 1603. The question of the number of the signatories is discussed by Gardiner, *Hist. Eng.*, i. 148, note.

[Transcr. Fuller's *Church History*, edit. 1655, book x. p. 21[2].]

The ministers greet the king and proclaim their loyalty,

Most gracious and dread sovereign, — Seeing it has pleased the Divine majesty, to the great comfort of all good Christians, to advance your highness, according to your just title, to the peaceable government of this Church and Commonwealth of England, we, the ministers of the gospel in this land, neither as factious men affecting a popular parity in the Church, nor as schismatics aiming at the dissolution of the State ecclesiastical, but as the faithful servants of Christ and loyal subjects to your majesty, desiring and longing for the redress of divers abuses of the Church, could do no less in our obedience to God, service to your majesty, love to His Church, than acquaint your princely majesty with our particular griefs; for

but desire the redress of the following abuses,

[1] This proviso is annexed to the original Act in a separate schedule.

[2] No original of this petition is known to exist.

as your princely pen writeth, 'the king, as a good physician, must first know what peccant humours his patient naturally is most subject unto, before he can begin his cure;' and although divers of us that sue for reformation have formerly, in respect of the times, subscribed to the book—some upon protestation, some upon exposition given them, some with condition rather than the Church should have been deprived of their labour and ministry—yet now we, to the number of more than a thousand of your majesty's subjects and ministers, all groaning as under a common burden of human rites and ceremonies, do with one joint consent humble ourselves at your majesty's feet, to be eased and relieved in this behalf. Our humble suit, then, unto your majesty is that these offences following, some may be removed, some amended, some qualified: 1603. as being a heavy burden:

(1) In the Church service: that the cross in baptism, interrogatories ministered to infants, confirmation, as superfluous, may be taken away; baptism not to be ministered by women, and so explained; the cap and surplice not urged; that examination may go before the communion; that it be ministered with a sermon; that divers terms of priests, and absolution, and some other used, with the ring in marriage, and other such like in the book, may be corrected; the longsomeness of service abridged, Church songs and music moderated to better edification; that the Lord's Day be not profaned; the rest upon holy days not so strictly urged; that there may be a uniformity of doctrine prescribed; no popish opinion to be any more taught or defended; no ministers charged to teach their people to bow at the name of Jesus; that the canonical Scriptures only be read in the Church. 1. Various points connected with the Church service.

(2) Concerning Church ministers: that none hereafter be admitted into the ministry but able and sufficient men, and those to preach diligently and especially upon the Lord's day; that such as be already entered and cannot preach, 2. Points connected with Church ministers.

1603. may either be removed, and some charitable course taken with them for their relief, or else be forced, according to the value of their livings, to maintain preachers; that non-residency be not permitted; that King Edward's statute for the lawfulness of ministers' marriages be revived; that ministers be not urged to subscribe, but according to the law, to the Articles of Religion, and the king's supremacy only.

3. Church livings and maintenance.

(3) For Church livings and maintenance: that bishops leave their commendams, some holding parsonages, some prebends, some vicarages, with their bishoprics; that double-beneficed men be not suffered to hold some two, some three benefices with cure, and some two, three, or four dignities besides; that impropriations annexed to bishoprics and colleges be demised only to the preachers incumbents, for the old rent; that the impropriations of laymen's fees be charged, with a sixth or seventh part of their worth, to the maintenance of the preaching minister.

4. Church discipline.

(4) For Church discipline: that the discipline and excommunication may be administered according to Christ's own institution, or, at the least, that enormities may be redressed, as namely, that excommunication come not forth under the name of lay persons, chancellors, officials, &c.; that men be not excommunicated for trifles and twelve-penny matters; that none be excommunicated without consent of his pastor; that the officers be not suffered to extort unreasonable fees; that none having jurisdiction or registers' places, put out the same to farm; that divers popish canons (as for restraint of marriage at certain times) be reversed; that the longsomeness of suits in ecclesiastical courts (which hang sometimes two, three, four, five, six, or seven years) may be restrained; that the oath *Ex Officio*, whereby men are forced to accuse themselves, be more sparingly used; that licences for marriages without banns asked, be more cautiously granted:

These, with such other abuses yet remaining and practised

in the Church of England, we are able to show not to be agreeable to the Scriptures, if it shall please your highness further to hear us, or more at large by writing to be informed, or by conference among the learned to be resolved; and yet we doubt not but that, without any further process, your majesty (of whose Christian judgment we have received so good a taste already) is able of yourself to judge of the equity of this cause. God, we trust, has appointed your highness our physician to heal these diseases; and we say with Mordecai to Esther, 'Who knoweth whether you are come to the kingdom for such a time?' Thus your majesty shall do that which we are persuaded shall be acceptable to God, honourable to your majesty in all succeeding ages, profitable to His Church, which shall be thereby increased, comfortable to your ministers, which shall be no more suspended, silenced, disgraced, imprisoned for men's traditions, and prejudicial to none but to those that seek their own quiet, credit and profit in the world. 1603. These points are submitted to the king.

Thus, with all dutiful submission, referring ourselves to your majesty's pleasure for your gracious answer, as God shall direct you, we most humbly recommend your highness to the Divine majesty, whom we beseech, for Christ His sake, to dispose your royal heart to do herein what shall be to His glory, the good of His Church, and your endless comfort.

Your majesty's most humble subjects, the ministers of the Gospel that desire not a disorderly innovation, but a due and godly reformation.

LXXXIX.

JAMES' PROCLAMATION FOR THE USE OF THE BOOK OF COMMON PRAYER, A. D. 1604.

1604. THE changes agreed to by king and bishops at Hampton Court in January, 1604, were referred to a committee of the bishops and Privy Council. They made a report to the king, who then issued his letters patent on February 9, specifying the alterations and ordering the publication and exclusive use of the amended book. The authority is discussed in Procter, *Hist. B. C. P.*, p. 91. On March 5 the letters patent were supplemented by the following publication.

[S. P. Dom., James I, vol. 73, p. 64.]

A proclamation for the authorizing and uniformity of the Book of Common Prayer to be used throughout the realm.

Referring to the Millenary Petition, the terms of that document are stated to have been scarcely warranted,

Although it cannot be unknown to our subjects by the former declarations we have published, what our purposes and proceedings have been in matters of religion since our coming to this crown; yet the same being now by us reduced to a settled form, we have occasion to repeat somewhat of that which has passed; and how at our very first entry into the realm being entertained and importuned with informations of sundry ministers, complaining of the errors and imperfections of the Church here, as well in matter of doctrine as of discipline; although we had no reason to presume that things were so far amiss, as was pretended, because we had seen the kingdom under that form of religion which by law was established in the days of the late queen of famous memory, blessed with a peace and prosperity both extraordinary and of many years continuance (a strong evidence that God was therewith pleased), yet because the importunity of the complainers was great, their affirmations vehement, and the zeal wherewith the

same did seem to be accompanied, very specious; we were moved thereby to make it our occasion to discharge that duty which is the chiefest of all kingly duties, that is, to settle the affairs of religion, and the service of God before their own. Which while were in hand to do (*sic*), as the contagion of the sickness reigning in our city of London and other places would permit an assembly of persons meet for that purpose, some of those who misliked the state of religion here established, presuming more of our intents than ever we gave them cause to do, and transported with humour, began such proceedings as did rather raise a scandal in the Church, than take offence away. For both they used forms of public serving of God not here allowed, held assemblies without authority, and did other things, carrying a very apparent show of sedition more than of zeal: whom we restrained by a former proclamation in the month of October last, and gave intimation of the conference we intended to be had with as much speed as conveniently could be, for the ordering of those things of the Church which accordingly followed in the month of January last at our honour of Hampton Court, where before ourself and our Privy Council were assembled many of the gravest bishops and prelates of the realm, and many other learned men as well of those that are conformable to the state of the Church established, as of those that dissented, among whom, what our pains were, what our patience in hearing and replying, and what the indifferency and uprightness of our judgment in determining we leave to the report of those who heard the same, contenting ourself with the sincerity of our own heart therein. But we cannot conceal, that the success of that conference was such as happens to many other things, which moving great expectation before they be entered into, in their issue produce small effects. For we found mighty and vehement informations supported with so weak and slender proofs, as it appeared unto us and our council, that there was no

1604. still the king accorded a conference

despite the irregularities of the Puritan party,

which conference was held at Hampton Court,

but was disappointing in its results.

1604. cause why any change should have been at all in that which was most impugned, the Book of Common Prayer, containing the form of the public service of God here established, neither in the doctrine which appeared to be sincere, nor in the forms and rites which were justified out of the practice of the primitive Church. Notwithstanding we thought meet, with consent of the bishops and other learned men there present, that some small things might rather be explained than changed; not that the same might not very well have been borne with by men who would have made a reasonable construction of them: but for that in a matter concerning the service of God we were very nice, or rather jealous, that the public form thereof should be free not only from blame but from suspicion, so as neither the common adversary should have advantage to wrest aught therein contained to other sense than the Church of England intendeth, nor any troublesome or ignorant person of this Church be able to take the least occasion of cavil against it. And for that purpose gave forth our commission under our great seal of England to the Archbishop of Canterbury and others according to the form which the laws of this realm in like case prescribe to be used to make the said explanation, and to cause the whole Book of Common Prayer with the same explanations to be newly printed. Which being now done, and established anew, after so serious a deliberation; although we doubt not but all our subjects, both ministers and others, will receive the same with such reverence as appertaineth, and conform themselves thereunto, every man in that which him concerneth. Yet have we thought it necessary to make known by proclamation our authorizing of the same, and to require and enjoin all men, as well ecclesiastical as temporal, to conform themselves unto it and to the practice thereof, as the only public form of serving God established and allowed to be in this realm. And the rather for that all the learned

The objections to the Prayer Book were not important and often unreasonable.

Certain explanations were, however, made and the book being revised these were inserted.

The book is now authorized by proclamation and conformity is enjoined.

men who were there present, as well of the bishops as others, promised their conformity in the practice of it, only making suit to us, that some few might be borne with for a time. 1604.

Wherefore, we require all archbishops, bishops, and all other public ministers, as well ecclesiastical as civil, to do their duties in causing the same to be obeyed, and in punishing the offenders according to the laws of the realm heretofore established for the authorizing of the said Book of Common Prayer. And we think it also necessary that the said archbishops and bishops do each of them in his province and diocese, take order, that every parish do procure to themselves, within such time as they shall think good to limit, one of the said books so explained. And last of all we do admonish all men that hereafter they shall not expect nor attempt any further alteration in the common and public form of God's service, from this which is now established, for that neither will we give way to any to presume, that our own judgment having determined in a matter of this weight shall be swayed to alteration by the frivolous suggestion of any light spirit; neither are we ignorant of the inconveniences that do arise in government, by admitting innovation in things once settled by mature deliberation. And how necessary it is to use constancy in the upholding of the public determinations of States, for that such is the unquietness and unsteadfastness of some dispositions affecting every year new forms of things as if they should be followed in their inconsistency, would make all actions of States ridiculous and contemptible, whereas the steadfast maintaining of things by good advice established, is the weal of all Commonwealths.

The bishops, &c., are bidden to see to this, and

copies are to be procured.

No further alteration is to be expected.

Given at our Palace of Westminster the fifth day of March, in the first year of our reign of England, France, and Ireland, and of Scotland the seven-and-thirtieth, A. D. 1603.

XC.

DIRECTIONS CONCERNING PREACHERS, A. D. 1622.

1622. The following directions, which appear to have been drawn up by James himself in order to silence the bitterness of controversial preaching, were communicated by him in a letter to Archbishop Abbott, Aug. 4, 1622. A week later the archbishop sent a copy to each of the bishops, accompanied by a letter which recites the terms of the king's letter.

[Tr. Reg. II. Abbot fol. 199 b. *Cf.* Wilkins, iv. 465; S. P. Jas. I. 132, No. 85.]

1. Restriction as to subject of discourses in general.

1. That no preacher under the degree and calling of a bishop, or dean of a cathedral or collegiate church, and they, upon the king's days and set festivals, do take occasion, by the expounding of any text of Scripture whatsoever, to fall into any set discourse, or commonplace (otherwise than by opening the coherence and division of his text), which shall not be comprehended and warranted in essence, substance, effect or natural inference within some one of the Articles of Religion set forth 1562, or in some the homilies set forth by authority in the Church of England, not only for a help of the non-preaching, but withal for a pattern and a boundary, as it were, for the preaching ministers; and for their further instruction for the performance thereof, that they forthwith read over, and peruse diligently, the said book of Articles, and the two books of homilies.

2. Restriction as to the subject of afternoon sermons.

2. That no parson, vicar, curate, or lecturer shall preach any sermon or collation hereafter upon Sundays and holidays in the afternoon, in any cathedral or parish church throughout this kingdom, but upon some part of the catechism, or some text taken out of the Creed, Ten Commandments, or the Lord's Prayer (funeral sermons only excepted), and that

those preachers be most encouraged and approved of, who spend the afternoon's exercise in the examining of children in their catechism, and in the expounding of the several points and heads of the catechism, which is the most ancient and laudable custom of teaching in the Church of England. 1622.

3. That no preacher of what title soever under the degree of a bishop, or dean at the least, do from henceforth presume to preach in any popular auditory the deep points of predestination, election, reprobation or of the universality, efficacity, resistibility or irresistibility of God's grace; but leave those themes to be handled by learned men, and that moderately and modestly by way of use and application, rather than by way of positive doctrine, as being fitter for the schools and universities, than for simple auditories. 3. Bishops and deans only may treat mysterious subjects of grace, &c.

4. That no preacher of what title or denomination soever, shall presume from henceforth in any auditory within this kingdom to declare, limit, or bound out, by way of positive doctrine, in any lecture or sermon, the power, prerogative, jurisdiction, authority, or duty of sovereign princes, or otherwise meddle with these matters of state and the references betwixt princes and the people, than as they are instructed and presidented in the homily of obedience, and in the rest of the homilies and Articles of Religion, set forth (as before is mentioned) by public authority; but rather confine themselves wholly to those two heads of faith and good life, which are all the subject of the ancient sermons and homilies. 4. General restriction concerning political references in sermons.

5. That no preacher of what title or denomination soever, shall causelessly and without invitation from the text, fall into bitter invectives, and indecent railing speeches against the persons of either papists or puritans; but modestly and gravely (when they are occasioned thereunto by the text of Scripture) free both the doctrine and discipline of the Church of England from the assertions of either adversary, especially when the auditory is suspected to be tainted with one or the other infection. 5. Prohibition of personal invective in sermons.

1622. 6. Lastly, that the archbishops and bishops of the kingdom, whom his majesty hath good cause to blame for this former remissness, be more wary and choice in licensing of preachers, and revoke all grants made to any chancellor, official, or commissary to pass licences in this kind; and that all the lecturers throughout the kingdom (a new body severed from the ancient clergy of England, as being neither parsons, vicars, or curates) be licensed henceforward in the Court of Faculties, only upon recommendation of the party from the bishop of the diocese under his hand and seal, with a 'fiat' from the lord Archbishop of Canterbury and a confirmation under the great seal of England; and that such as transgress any one of these directions, be suspended by the bishop of the diocese, or in his default, by the lord archbishop of the province, *ab officio et beneficio*, for a year and a day, until his majesty, by the advice of the next Convocation, shall prescribe some further punishment.

6. Care to be taken in licensing preachers.

XCI.

THE KING'S DECLARATION PREFIXED TO THE ARTICLES OF RELIGION, NOVEMBER, 1628.

'The advertisement or preface which appears to have been settled at a conference with the bishops, and has ever since retained its place in front of our articles under the title of "His Majesty's Declaration," was made public in 1628.' Hardwick's *History of the Articles*, ed. 1884, p. 201. *Cf.* Gardiner, *Hist. of England*, vii. 20.

1628.

[Transcr. from a contemporary copy in the British Museum, printed by the king's printers—3506 c. 26.]

His Majesty's Declaration.

Being by God's ordinance, according to our just title, Defender of the Faith, and Supreme Governor of the Church, within these our dominions, we hold it most agreeable to

In the interests of peace the king, with

this our kingly office, and our own religious zeal, to conserve and maintain the Church committed to our charge, in the unity of true religion, and in the bond of peace; and not to suffer unnecessary disputations, altercations, or questions to be raised, which may nourish faction both in the Church and Commonwealth. We have, therefore, upon mature deliberation, and with the advice of so many of our bishops as might conveniently be called together, thought fit to make this declaration following: 1628. the advice of certain bishops, declares

That the Articles of the Church of England (which have been allowed and authorized heretofore, and which our clergy generally have subscribed unto) do contain the true doctrine of the Church of England agreeable to God's word: which we do therefore ratify and confirm, requiring all our loving subjects to continue in the uniform profession thereof, and prohibiting the least difference from the said Articles; which to that end we command to be new printed, and this our declaration to be published therewith: the ratification of the Articles, as the true doctrine of the Church of England, to be maintained without difference.

That we are Supreme Governor of the Church of England; and that if any difference arise about the external policy, concerning injunctions, canons or other constitutions whatsoever thereto belonging, the clergy in their convocation is to order and settle them, having first obtained leave under our broad seal so to do: and we approving their said ordinances and constitutions, providing that none be made contrary to the laws and customs of the land. Convocation to settle disputes as to the external policy of the Church of England,

That out of our princely care that the churchmen may do the work which is proper unto them, the bishops and clergy, from time to time in convocation, upon their humble desire, shall have licence under our broad seal to deliberate of, and to do all such things as, being made plain by them, and assented unto by us, shall concern the settled continuance of the doctrine and discipline of the Church of England now established; from which we will not endure any varying or departing in the least degree. and licence to deliberate shall be allowed them.

1628. General subscription testifies the assent of the clergy to the Articles as a whole.

That for the present, though some differences have been ill raised, yet we take comfort in this, that all clergymen within our realm have always most willingly subscribed to the Articles established, which is an argument to us, that they all agree in the true, usual literal meaning of the said Articles; and that even in those curious points, in which the present differences lie, men of all sorts take the Articles of the Church of England to be for them; which is an argument again, that none of them intend any desertion of the Articles established.

So that doubtful points may well be left alone,

That therefore in these both curious and unhappy differences, which have for so many hundred years, in different times and places, exercised the Church of Christ, we will, that all further curious search be laid aside, and these disputes shut up in God's promises, as they be generally set forth to us in the Holy Scriptures, and the general meaning of the Articles of the Church of England according to them.

and the Articles are to be taken in the literal and grammatical sense.

And that no man hereafter shall either print, or preach, to draw the Article aside any way, but shall submit to it in the plain and full meaning thereof: and shall not put his own sense or comment to be the meaning of the Article, but shall take it in the literal and grammatical sense.

No new sense to be maintained by any university authority.

That if any public reader in either our Universities, or any head or master of a College, or any other person respectively in either of them, shall affix any new sense to any Article, or shall publicly read, determine, or hold any public disputation, or suffer any such to be held either way, in either the Universities or Colleges respectively; or if any divine in the Universities shall preach or print any thing either way, other than is already established in convocation with our royal assent; he, or they the offenders, shall be liable to our displeasure, and the Church's censure in our commission ecclesiastical, as well as any other: and we will see there shall be due execution upon them.

XCII.

RESOLUTIONS ON RELIGION PRESENTED BY A COMMITTEE OF THE HOUSE OF COMMONS, A.D. 1629.

PARLIAMENT met Jan. 20, 1629. Within the next few days ecclesiastical questions of the moment monopolized the attention of the Commons, and on Jan. 26 a committee on religion was formed to consider the subject of religious grievances. On Feb. 24 the result of their deliberations appeared in the resolutions which follow. 1629.

[S. R. Gardiner's *Constitutional Documents*, p. 11[1].]

Heads of Articles to be insisted on, and agreed upon, at a Sub-Committee for Religion.

I. That we call to mind how that, in the last Session of this Parliament, we presented to his majesty an humble declaration of the great danger threatened to this Church and State by divers courses and practices tending to the change and innovation of religion. 1. Previous complaints

II. That what we then feared we do now sensibly feel, and therefore have just cause to renew our former complaints therein. 2. are renewed;

III. That yet, nevertheless, we do with all thankfulness acknowledge the great blessing we have received from Almighty God in setting a king over us, of whose constancy in the profession and practice of the true religion here established we rest full assured; as likewise of his most pious zeal and careful endeavour for the maintenance and propagation thereof; being so far from having the least doubt of his majesty's remissness therein, that we, next under God, ascribe unto his own princely wisdom and goodness, that our holy religion hath yet any countenance at all amongst us. 3. but with recognition of the king's religious zeal.

[1] We have failed to trace an original for this document.—EDD.

1629.

4. Yet the present occasion should be seized to preserve true religion.

IV. And for that the pious intention and endeavours, even of the best and wisest princes, are often frustrated through the unfaithfulness and carelessness of their ministers, and that we find a great unhappiness to have befallen his majesty this way; we think that, being now assembled in Parliament to advise of the weighty and important affairs concerning Church and State, we cannot do a work more acceptable than, in the first place, according to the dignity of the matter, and necessity of the present occasions, faithfully and freely to make known what we conceive may conduce to the preservation of God's religion, in great peril now to be lost; and, therewithal, the safety and tranquillity of his majesty and his kingdoms now threatened with certain dangers. For the clearer proceedings therein, we shall declare: (1) What those dangers and inconveniences are; (2) whence they arise; (3) in some sort how they may be redressed.

These dangers appear from the state of religion: Abroad, in the advance of the prevalent party.

The dangers may appear partly from the consideration of the state of religion abroad, and partly from the condition thereof within his majesty's own dominions, and especially within this kingdom of England.

From abroad we make these observations: (1) By the mighty and prevalent party by which true religion is actually opposed, and the contrary maintained. (2) Their combined counsels, forces, attempts, and practices, together with a most diligent pursuit of their designs, aiming at the subversion of all the Protestant Churches in Christendom. (3) The weak resistance that is made against them. (4) Their victorious and successful enterprises, whereby the Churches of Germany, France, and other places are in a great part already ruined, and the rest in the most weak and miserable condition.

At home, in the growth of popery,

In his majesty's own dominions, these: (1) In Scotland, the stirs lately raised, and insolences committed by the popish party have already not a little disquieted that famous

Church; of which, with comfort we take notice, his majesty hath expressed himself exceeding sensible, and hath accordingly given most royal and prudent directions therein. (2) Ireland is now almost wholly overspread with popery, swarming with friars, priests, and Jesuits, and other superstitious persons of all sorts, whose practice is daily to seduce his majesty's subjects from their allegiance, and to cause them to adhere to his enemies. That even in the city of Dublin, in the view of the State, where not many years since, as we have been credibly informed, there were few or none that refused to come to church, there are lately restored and erected for friars, Jesuits, and idolatrous mass-priests, thirteen houses, being more in number than the parish churches within that city; besides many more, likewise erected in the best parts of the kingdom; and the people almost wholly revolted from our religion, to the open exercise of popish superstition. The danger from hence is further increased by reason of the intercourse which the subjects, of all sorts, in that kingdom have into Spain and the archduchess's country; and that, of late, divers principal persons, being papists, are trusted with the command of soldiers; and great numbers of the Irish are acquainted with the exercise of arms and martial discipline, which heretofore hath not been permitted, even in times of greatest security. Lastly, here in England we observe an extraordinary growth of popery, insomuch that in some counties, where in Queen Elizabeth's time there were few or none known recusants, now there are above 2,000, and all the rest generally apt to revolt. A bold and open allowance of their religion, by frequent and public resort to mass, in multitudes, without control, and that even to the queen's court, to the great scandal of his majesty's government. Their extraordinary insolence—for instance, the late erecting of a college of Jesuits in Clerkenwell, and the strange proceedings thereupon used in favour of them. The subtle

1629. especially in Ireland.

1629. and pernicious spreading of the Arminian faction, whereby they have kindled such a fire of division in the very bowels of the State as, if not speedily extinguished, it is of itself sufficient to ruin our religion, by dividing us from the Reformed Churches abroad, and separating amongst ourselves at home, by casting doubts upon the religion professed and established; which, if faulty or questionable in three or four articles, will be rendered suspicious to unstable minds in all the rest, and incline them to popery, to which those tenets in their own nature do prepare the way: so that if our religion be suppressed and destroyed abroad, disturbed in Scotland, lost in Ireland, undermined and almost outdared in England, it is manifest that our danger is very great and imminent.

Various causes are assigned for such advance of popery.

The causes of which danger here, amongst divers others, we conceive to be chiefly these instanced in: (1) the suspension or negligence in execution of the laws against popery; (2) the late proceedings against the College of Jesuits; (3) divers letters sent by Sir Robert Heath, his majesty's attorney, into the country for stay of proceedings against recusants; (4) the publishing and defending points of popery in sermons and books without punishment; instance Bishop Montague's three books—viz. *The Gag*, *Invocation of Saints*, and his *Appeal*; also Dr. Cosin's *Horary* and the Bishop of Gloucester's sermons. (5) The bold and unwarranted introducing, practising, and defending of sundry new ceremonies, and laying of injunctions upon men by governors of the Church and others, without authority, in conformity to the Church of Rome; as, for example, in some places erecting of altars, in others changing the usual and prescribed manner of placing the Communion table, and setting it at the upper end of the chancel, north and south, in imitation of the high altar; by which they also call it, and adorn it with candlesticks, which, by the Injunctions, 10 Elizabeth, were to be taken away; and do also make

obeisance by bowing thereunto, commanding men to stand up at *Gloria Patri*; bringing men to question and trouble for not obeying that command for which there is no authority; enjoining that no woman be churched without a veil; setting up of pictures, lights, and images in churches; praying towards the east, crossing *ad omnem motum et gestum*. (6) The false and counterfeit conformity of Papists, whereby they do not only evade the law, but obtain places of trust and authority: instance Mr. Browne of Oxford, and his treatise written to that purpose; the Bishop of Gloucester; and the now Bishop of Durham. (7) The suppressing and restraint of the orthodox doctrine contained in the Articles of Religion, confirmed in Parliament, 13 Elizabeth, according to the sense which hath been received publicly, and taught as the doctrine of the Church of England in those points wherein the Arminians differ from us, and other the Reformed Churches; wherein the essence of our Articles, in those controverted points, is known and proved. (8) The publishing of books and preaching of sermons, contrary to the former orthodox doctrine, and suppressing books written in defence thereof: instance Bishop Montague's *Gag* and *Appeal*, Mr. Jackson's *Book of the Essence and Attributes of God*, Dr. White's two sermons preached at Court, one upon the 5th of November, the other on Christmas Day last; and for orthodox books suppressed, instance in all that have been written against Bishop Montague and Cosin, yea, even Bishop Carleton's book. (9) That these persons who have published and maintained such papistical, Arminian, and superstitious opinions and practices, who are known to be unsound in religion, are countenanced, favoured, and preferred: instance Mr. Montague, made Bishop of Chichester; also the late Bishop of Carlisle, since his last Arminian sermon preached at Court, advanced to the bishopric of Norwich; a known Arminian made Bishop of Ely; the 1629.

1629. Bishop of Oxford, a long-suspected Papist, advanced to the bishopric of Durham; Mr. Cosin, advanced to dignity and a great living; Dr. Wren, made Dean of Windsor and one of the High Commission Court. (10) That some prelates near the king, having gotten the chief administration of ecclesiastical affairs under his majesty, discountenance and hinder the preferment of those that are orthodox, and favour such as are contrary: instance the Bishops of Winchester and London, in divers particulars.

The chief points of Arminian divergence are summarized.

The points wherein the Arminians differ from us and other the Reformed Churches, in the sense of the Articles confirmed in Parliament, 13 Elizabeth, may be known and proved in these controverted points, viz.: (1) By the Common Prayer, established in Parliament. (2) By the Book of Homilies, confirmed by the acts of religion. (3) By the Catechism concerning the points printed in the Bible and read in churches, and divers other impressions published by authority. (4) Bishop Jewel's works, commanded to be kept in all churches, that every parish may have one of them. (5) The public determination of divinity professors, published by authority. (6) The public determination of divines in both the Universities. (7) The Resolution of the Archbishop of Canterbury and other reverend bishops and divines assembled at Lambeth for this very purpose, to declare their opinions concerning those points, anno 1595, unto which the Archbishop of York and all his province did likewise agree. (8) The Articles of Ireland, though framed by the Convocation there, yet allowed by the clergy and State here. (9) The suffrage of the British divines, sent by King James to the Synod of Dort. (10) The uniform consent of our writers, published by authority. (11) The censures, recantations, punishments, and submissions made, enjoined, and inflicted upon those that taught contrary thereunto, as Barrow and Barrett in Cambridge, and Bridges in Oxford.

1629. Various remedies are proposed to meet the case.

The remedy of which abuses we conceive may be these: (1) Due execution of laws against Papists. (2) Exemplary punishments to be inflicted upon teachers, publishers, and maintainers of popish opinions, and practising of superstitious ceremonies, and some stricter laws in that case to be provided. (3) The orthodox doctrine of our Church, in these now controverted points by the Arminian sect, may established and freely taught, according as it hath been hitherto generally received, without any alteration or innovation; and severe punishment, by the same laws to be provided against such as shall, either by word or writing, publish anything contrary thereunto. (4) That the said books of Bishop Montague and Cosin may be burned. (5) That such as have been authors or abettors of those popish and Arminian innovations in doctrine may be condignly punished. (6) That some good order may be taken for licensing books hereafter. (7) That his majesty would be graciously pleased to confer bishoprics and other ecclesiastical preferments, with advice of his Privy Council, upon learned, pious, and orthodox men. (8) That bishops and clergymen, being well chosen, may reside upon their charge, and with diligence and fidelity perform their several duties, and that accordingly they may be countenanced and preferred. (9) That some course may, in this Parliament, be consdered of, for providing a competent means to maintain a godly, able minister in every parish church of this kingdom. (10) That his majesty would be graciously pleased to make a special choice of such persons, for the execution of his ecclesiastical commissions, as are approved for integrity of life and soundness of doctrine.

[A week later the House of Commons issued a protestation in which these words occur: 'Whosoever shall bring in innovation of religion, or by favour or countenance seem to extend, or introduce, popery or Arminianism, or other opinion, disagreeing from the true and orthodox Church, shall be reputed a capital enemy to this kingdom and commonwealth.' *Cf.* Gardiner, *l. c.* p. 16.]

XCIII.

THE KING'S MAJESTY'S DECLARATION TO HIS SUBJECTS CONCERNING LAWFUL SPORTS TO BE USED, A.D. 1633.

1633. THIS declaration was a reissue by Charles of a previous declaration on the subject by King James in 1618, to which Charles adds a few words of his own, and directs the document to be read in churches. The exact date of the manifesto in this later form is Oct. 18, 1633.

[Transcr. S. P. Dom. Chas. I, ccxlviii, No. 13.]

By the King.

The prohibition of Sunday recreation led James to publish his declaration of sports A.D. 1618,

Our dear father of blessed memory, in his return from Scotland, coming through Lancashire, found that his subjects were debarred from lawful recreations upon Sundays after evening prayers ended, and upon Holydays; and he prudently considered that, if these times were taken from them, the meaner sort who labour hard all the week should have no recreations at all to refresh their spirits: and after his return, he further saw that his loyal subjects in all other parts of his kingdom did suffer in the same kind, though perhaps not in the same degree: and did therefore in his princely wisdom publish a declaration to all his loving subjects concerning lawful sports to be used at such times, which was printed and published by his royal commandment in the year 1618, in the tenor which hereafter followeth:

in which he narrated the circumstances and encouraged sports in Lancashire and elsewhere,

'Whereas upon our return the last year out of Scotland, we did publish our pleasure touching the recreations of our people in those parts under our hand; for some causes us thereunto moving, we have thought good to command these our directions then given in Lancashire, with a few words thereunto added, and most applicable to these parts of our realms, to be published to all our subjects.

Whereas we did justly in our progress through Lancashire rebuke some Puritans and precise people, and took order that the like unlawful carriage should not be used by any of them hereafter, in the prohibiting and unlawful punishing of our good people for using their lawful recreations and honest exercises upon Sundays, and other holy days, after the afternoon sermon or service, we now find that two sorts of people wherewith that country is much infected, we mean Papists and Puritans, have maliciously traduced and calumniated those our just and honourable proceedings: and therefore lest our reputation might upon the one side (though innocently) have some aspersion laid upon it, and that upon the other part our good people in that country be misled by the mistaking and misinterpretation of our meaning, we have therefore thought good hereby to clear and make our pleasure to be manifested to all our good people in those parts. 1633. and deprecated perversion of his words by Papists and Puritans in Lancashire;

It is true that at our first entry to this crown and kingdom we were informed, and that too truly, that our county of Lancashire abounded more in popish recusants than any county of England, and thus hath still continued since, to our great regret, with little amendment, save that, now of late, in our last riding through our said country: we find both by the report of the judges, and of the bishop of that diocese, that there is some amendment now daily beginning, which is no small contentment to us.

The report of this growing amendment amongst them made us the more sorry, when with our own ears we heard the general complaint of our people, that they were barred from all lawful recreation and exercise upon the Sunday's afternoon, after the ending of all divine service, which cannot but produce two evils: the one the hindering of the conversion of many, whom their priests will take occasion hereby to vex, persuading them that no honest mirth or recreation is lawful or tolerable in our religion, which cannot

1633. but breed a great discontentment in our people's hearts, especially of such as are peradventure upon the point of turning: the other inconvenience is, that this prohibition barreth the common and meaner sort of people from using such exercises as may make their bodies more able for war, when we or our successors shall have occasion to use them; and in place thereof sets up filthy tipplings and drunkenness, and breeds a number of idle and discontented speeches in their ale-houses. For when shall the common people have leave to exercise, if not upon the Sundays and holy days, seeing they must apply their labour and win their living in all working-days?

wherefore lawful Sunday recreation was to be allowed in Lancashire and elsewhere,

Our express pleasure therefore is, that the laws of our kingdom and canons of our Church be as well observed in that county, as in all other places of this our kingdom: and on the other part, that no lawful recreation shall be barred to our good people, which shall not tend to the breach of our aforesaid laws and canons of our Church: which to express more particularly, our pleasure is, that the bishop, and all other inferior churchmen and churchwardens, shall for their parts be careful and diligent, both to instruct the ignorant, and convince and reform them that are misled in religion, presenting them that will not conform themselves, but obstinately stand out, to our judges and justices: whom we likewise command to put the law in due execution against them.

Our pleasure likewise is, that the bishop of that diocese take the like strait order with all the Puritans and Precisians within the same, either constraining them to conform themselves or to leave the county, according to the laws of our kingdom and canons of our Church, and so to strike equally on both hands against the contemners of our authority and adversaries of our Church: and as for our good people's lawful recreation, our pleasure likewise is, that after the end of divine service our good people be not disturbed, letted or

discouraged from any lawful recreation, such as dancing, either men or women; archery for men, leaping, vaulting, or any other such harmless recreation, nor from having of May-games, Whitsun-ales, and Morris-dances; and the setting up of May-poles and other sports therewith used: so as the same be had in due and convenient time, without impediment or neglect of divine service: and that women shall have leave to carry rushes to the church for the decorating of it, according to their old custom; but withal we do here account still as prohibited all unlawful games to be used upon Sundays only, as bear and bull-baitings, interludes, and at all times in the meaner sort of people by law prohibited, bowling. 1633. and such lawful sports were enumerated.

And likewise we bar from this benefit and liberty all such known as recusants, either men or women, as will abstain from coming to church or divine service, being therefore unworthy of any lawful recreation after the said service, that will not first come to the church and serve God: prohibiting in like sort the said recreations to any that, though [they] conform in religion, are not present in the church at the service of God, before their going to the said recreations. Our pleasure likewise is, that they to whom it belongeth in office, shall present and sharply punish all such, as in abuse of this our liberty, will use these exercises before the ends of all divine services for that day: and we likewise straitly command that every person shall resort to his own parish church to hear divine service, and each parish by itself to use the said recreation after divine service: prohibiting likewise any offensive weapons to be carried or used in the said times of recreation: and our pleasure is, that this our declaration shall be published by order from the bishop of the diocese, through all the parish churches, and that both our judges of our circuit, and our justices of our peace be informed thereof. Recusants being debarred from the privilege, and the declaration being published by the bishop.

Given at our Manor of Greenwich the four-and-twentieth

1633. day of May, in the sixteenth year of our reign, of England, France, and Ireland; and of Scotland the one-and-fiftieth.'

This declaration Charles ratifies for reasons specified,

Now out of a like pious care for the service of God, and for suppressing of any humours that oppose truth, and for the ease, comfort, and recreation of our well-deserving people, we do ratify and publish this our blessed father's declaration: the rather, because of late in some counties of our kingdom, we find that under pretence of taking away abuses, there hath been a general forbidding, not only of ordinary meetings, but of the feasts of the dedication of the churches, commonly called wakes. Now our express will and pleasure is, that these feasts, with others, shall be observed, and that our justices of the peace, in their several divisions, shall look to it, both that all disorders there may be prevented or punished, and that all neighbourhood and freedom, with manlike and lawful exercises be used: and we further command our justices of assize in their several circuits to see that no man do trouble or molest any of our loyal and dutiful people, in or for their lawful recreations, having first done their duty to God, and continuing in obedience to us and our laws: and for this we command all our judges, justices of peace, as well within liberties as without, mayors, bailiffs, constables, and other officers, to take notice of, and to see observed, as they tender our displeasure. And we further will that publication of this our command be made by order from the bishops, through all the parish churches of their several dioceses respectively.

and the justices are to oversee parish festivals,

and the execution and publication of their documents.

Given at our palace of Westminster, the eighteenth day of October, in the ninth year of our reign.

God save the king.

[With the foregoing proclamation is the following order by the king to Archbishop Laud: 'Charles R. Canterbury, See that our declaration concerning recreations on the Lord's Day, after evening prayer, be printed.']

XCIV.

THE PRIVY COUNCIL AND THE POSITION OF THE COMMUNION TABLE AT ST. GREGORY'S, A.D. 1633.

1633. THE question of the position of the Communion Table, which had been agitated for years, came to a head in 1633. In September Bishop Williams of Lincoln ruled in a dispute at Leicester and, following a precedent set by him at Grantham, directed that the Holy Table should be placed in the chancel, and should be moved down when needed for use. Meanwhile, in the newly restored church of St. Gregory beside St. Paul's, London, the Dean and Chapter had placed the Table in the east end, setting rails before it. Five parishioners appealed, Oct. 18, to the Court of Arches. The king interfered at this stage, summoning the parties before the Privy Council with the following result. In 1635 Laud ordered Sir Nicholas Brent, his Vicar-General, to direct that the Holy Table should in all churches be moved to the east end, and be railed in.

[Transcr. Privy Council Register, Charles I, vol. ix. p. 304.]

At Whitehall, the third of November, 1633. Present: the King's most excellent majesty; Lord Archbishop of Canterbury; Lord Keeper; Lord Archbishop of York; Lord Treasurer; Lord Privy Seal; Lord Duke of Lennox; Lord High Chamberlain; Earl Marshal; Lord Chamberlain; Earl of Bridgwater; Earl of Carlisle; Lord Cottington; Mr. Treasurer; Mr. Comptroller; Mr. Secretary Coke; Mr. Secretary Windebanke.

This day was debated before his majesty, sitting in council, the question and difference which grew about the removing of the Communion table in St. Gregory's church, near the cathedral church of St. Paul, from the middle of the chancel to the upper end, there placed altar-wise, in such manner as it standeth in the said cathedral and mother church (as also in all other cathedrals, and in his

1633. majesty's own chapel), and as is consonant to the practice of approved antiquity: which removal and placing thereof in that sort was done by order of the Dean and Chapter of St. Paul's who are ordinaries thereof, as was avowed before his majesty by Mr. Doctor King and Mr. Doctor Montfort, two of the prebends there. Yet some few of the parishioners, being but five in number, did complain of this act by appeal to the Court of Arches, pretending that the Book of Common Prayer and the eighty-second Canon do give permission to place the Communion table where it may stand with most fitness and convenience. Now his majesty having heard a particular relation, made by the counsel of both parties, of all the carriage and proceedings in this cause, was pleased to declare his dislike of all innovation and receding from ancient constitutions, grounded upon just and warrantable reasons, especially in matters concerning ecclesiastical orders and government, knowing how easily men are drawn to affect novelties, and how soon weak judgments may in such cases be overtaken and abused. And he was also pleased to observe, that if those few parishioners might have their will, the difference thereby from the aforesaid cathedral mother church, by which all other churches depending thereon ought to be guided and directed, would be the more notorious, and give more subject of discourse and dispute that might be spared, by reason of the nearness of St. Gregory's, standing close to the wall thereof. And likewise that for so much as concerns the liberty given by the said Communion book or canon, for placing the Communion table in any church or chancel, with most convenience, that liberty is not to be understood, as if it were ever left to the discretion of the parish, much less to the particular fancy of any humorous person, but to the judgment of the ordinary, to whose place and function it doth properly belong, to give direction in that point, both for the thing itself, and for the time, when and how long,

as he may find cause. Upon which consideration his majesty declared himself, that he well approved and confirmed the act of the said ordinary. And also gave commandment that if those few parishioners before mentioned do proceed in their said appeal, then the Dean of the Arches (who was then attending at the hearing of the cause) shall confirm the said order of the aforesaid dean and chapter. 1633.

XCV.

THE CANONS OF A.D. 1640.

These Canons occupy ten folio pages in Wilkins (iv. 543-553).

A Latin summary of the Acts of Convocation for the year 1640 will be found in Cardwell's *Synodalia*, ii. 593. The titles of the various Canons for that year are as follows: 1. Concerning the regal power. 2. For the better keeping of the day of his majesty's most happy inauguration. 3. For the suppressing the growth of popery. 4. Against Socinianism. 5. Against sectaries. 6. An oath enjoined for the preventing of all innovations in doctrine and government (see No. XCVI). 7. A declaration concerning some rites and ceremonies. 8. Of preaching for conformity. 9. One book of articles of inquiry to be used at all parochial visitations. 10. Concerning the conversation of the clergy. 11. Chancellors' patents. 12. Chancellors alone not to censure any of the clergy in sundry cases. 13. Excommunication and absolution not to be pronounced but by a priest. 14. Concerning commutations and the disposing of them. 15. Touching concurrent jurisdiction. 16. Concerning licences to marry. 17. Against vexatious citations. 1640. Titles of the canons

XCVI.

THE ETCÆTERA OATH.

1640. This oath is inserted in Canon 6 of the foregoing. It was to be taken by every clergyman, every Master of Arts not the son of a nobleman, all who had taken a degree in divinity, law, or physic, all registrars, actuaries, proctors and schoolmasters, all persons incorporated from foreign universities, all candidates for ordination. Its ambiguity, owing to the vague term '&c.' as well as the asserted illegality of the Convocation, caused it to be dropped by the king's order in August of the same year.

[Wilkins, iv. 549.]

I, A. B., do swear that I do approve the doctrine, and discipline, or government established in the Church of England as containing all things necessary to salvation: and that I will not endeavour by myself or any other, directly or indirectly, to bring in any popish doctrine contrary to that which is so established; nor will I ever give my consent to alter the government of this Church by archbishops, bishops, deans, and archdeacons, &c., as it stands now established, and as by right it ought to stand, nor yet ever to subject it to the usurpations and superstitions of the see of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly, upon the faith of a Christian. So help me God in Jesus Christ.

XCVII.

THE ROOT AND BRANCH PETITION, A.D. 1640.

1640.

This petition was presented by 1,500 persons on Dec. 11, 1640, on behalf of 15,000 Londoners who had signed it. The Commons postponed its consideration, but in the following February referred it to a committee. The petition must be distinguished from the Root and Branch Bill said to have been drawn up by St. John, and presented to Parliament by Vane and Cromwell in May, 1641. The bill was dropped in the House of Commons, and finally abandoned after long debates in August.

[Rushworth, *Hist. Coll.* iv. 93, ed. 1721.]

To the Right Honourable the Commons House of Parliament.

Petition of many of the king's subjects to the commons.

The humble petition of many of his majesty's subjects in and about the city of London, and several counties of the kingdom. Sheweth,

The divine right of episcopacy, &c., is a novel theory

That whereas the government of archbishops and lord bishops, deans, and archdeacons, &c., with their courts and ministrations in them, have proved prejudicial and very dangerous both to the Church and Commonwealth, they themselves having formerly held that they have their jurisdiction or authority of human authority, till of these later times, being further pressed about the unlawfulness, that they have claimed their calling immediately from the Lord Jesus Christ, which is against the laws of this kingdom, and derogatory to his majesty and his state royal. And whereas the said government is found by woeful experience to be a main cause and occasion of many foul evils, pressures and grievances of a very high nature unto his majesty's subjects in their own consciences, liberties and estates, as in a schedule of particulars hereunto annexed may in part appear:

and that form of Church government has proved highly injurious;

We therefore most humbly pray, and beseech this

be it therefore

1640. abolished in favour of 'the government according to God's word.'

honourable assembly, the premises considered, that the said government with all its dependencies, roots and branches, may be abolished, and all laws in their behalf made void, and the government according to God's word may be rightly placed amongst us: and we your humble suppliants, as in duty we are bound, will daily pray for his majesty's long and happy reign over us, and for the prosperous success of this high and honourable Court of Parliament.

Particulars of the evils of episcopacy:

A particular of the manifold evils, pressures, and grievances caused, practised and occasioned by the prelates and their dependents.

1. Subjection of ministers.

1. The subjecting and enthralling all ministers under them and their authority, and so by degrees exempting them from the temporal power; whence follows,

2. Servility of ministers.

2. The faint-heartedness of ministers to preach the truth of God, lest they should displease the prelates; as namely, the doctrine of predestination, of free grace, of perseverance, of original sin remaining after baptism, of the sabbath, the doctrine against universal grace, election for faith foreseen, freewill against Antichrist, non-residents, human inventions in God's worship; all which are generally withheld from the people's knowledge, because not relishing to the bishops.

3. Presumption of ministers.

3. The encouragement of ministers to despise the temporal magistracy, the nobles and gentry of the land; to abuse the subjects, and live contentiously with their neighbours, knowing that they, being the bishops' creatures, shall be supported.

4. Silencing of good ministers.

4. The restraint of many godly and able men from the ministry, and thrusting out of many congregations their faithful, diligent and powerful ministers, who lived peaceably with them, and did them good, only because they cannot in conscience submit unto and maintain the bishops' needless devices; nay, sometimes for no other cause but for their zeal in preaching, or great auditories.

1640.

5. The suppressing of that godly design set on foot by certain saints, and sugared with many great gifts by sundry well-affected persons for the buying of impropriations, and placing of able ministers in them, maintaining of lectures, and founding of free schools, which the prelates could not endure, lest it should darken their glories, and draw the ministers from their dependence upon them.

5. Prevention of patronage.

6. The great increase of idle, lewd and dissolute, ignorant and erroneous men in the ministry, which swarm like the locusts of Egypt over the whole kingdom; and will they but wear a canonical coat, a surplice, a hood, bow at the name of Jesus, and be zealous of superstitious ceremonies, they may live as they list, confront whom they please, preach and vent what errors they will, and neglect preaching at their pleasures without control.

6. Encouragement of unfit ministers.

7. The discouragement of many from bringing up their children in learning; the many schisms, errors, and strange opinions which are in the Church; great corruptions which are in the Universities; the gross and lamentable ignorance almost everywhere among the people; the want of preaching ministers in very many places both of England and Wales; the loathing of the ministry, and the general defection to all manner of profaneness.

7. Encouragement of errors and ignorance.

8. The swarming of lascivious, idle, and unprofitable books and pamphlets, play-books and ballads; as namely, Ovid's *Fits of Love*, *The Parliament of Women*, which came out at the dissolving of the last Parliament; Barns's *Poems*, Parker's *Ballads*, in disgrace of religion, to the increase of all vice, and withdrawing of people from reading, studying, and hearing the word of God, and other good books.

8. Encouragement of bad literature.

9. The hindering of godly books to be printed, the blotting out or perverting those which they suffer, all or most of that which strikes either at popery or Arminianism; the adding of what or where pleaseth them, and the restraint of reprinting books formerly licensed, without relicensing.

9. Control of the Press.

1640.
10. Publication of popish books.

10. The publishing and venting of popish, Arminian, and other dangerous books and tenets; as namely, 'That the Church of Rome is a true Church, and in the worst times never erred in fundamentals;' 'that the subjects have no propriety in their estates, but that the king may take from them what he pleaseth;' 'that all is the king's, and that he is bound by no law;' and many other, from the former whereof hath sprung:

11. Increase of popery.

11. The growth of popery and increase of papists, priests, and Jesuits in sundry places, but especially about London since the Reformation; the frequent venting of crucifixes and popish pictures both engraven and printed, and the placing of such in Bibles.

12. Increase of burdens.

12. The multitude of monopolies and patents, drawing with them innumerable perjuries; the large increase of customs and impositions upon commodities, the ship money, and many other great burthens upon the commonwealth, under which all groan.

13. Tolerance towards Romish arguments.

13. Moreover, the offices and jurisdictions of archbishops, lord bishops, deans, archdeacons, being the same way of church government which is in the Romish Church, and which was in England in the time of popery, little change thereof being made (except only the head from whence it was derived), the same arguments supporting the pope which do uphold the prelates, and overthrowing the prelates, which do pull down the pope; and other reformed Churches having upon their rejection of the pope cast the prelates out also as members of the beast. Hence it is that the prelates here in England, by themselves or their disciples, plead and maintain that the pope is not Antichrist, and that the Church of Rome is a true Church, hath not erred in fundamental points, and that salvation is attainable in that religion, and therefore have restrained to pray for the conversion of our sovereign lady the queen. Hence also hath come:

14. The great conformity and likeness both continued and increased of our Church to the Church of Rome, in vestures, postures, ceremonies, and administrations, namely as the bishop's rochets and the lawn-sleeves, the four-cornered cap, the cope and surplice, the tippet, the hood, and the canonical coat; the pulpits clothed, especially now of late, with the Jesuits' badge upon them every way. 1640. 14. Increase of Romish ceremonial.

15. The standing up at *Gloria Patri* and at the reading of the Gospel, praying towards the East, the bowing at the name of Jesus, the bowing to the altar towards the East, cross in baptism, the kneeling at the Communion. 15. Ceremonies objected to.

16. The turning of the Communion table altar-wise, setting images, crucifixes, and conceits over them, and tapers and books upon them, and bowing or adoring to or before them; the reading of the second service at the altar, and forcing people to come up thither to receive, or else denying the Sacrament to them; terming the altar to be the mercy-seat, or the place of God Almighty in the church, which is a plain device to usher in the Mass. 16. Church ornaments, &c., objected to.

17. The christening and consecrating of churches and chapels, the consecrating fonts, tables, pulpits, chalices, churchyards, and many other things, and putting holiness in them; yea, reconsecrating upon pretended pollution, as though everything were unclean without their consecrating; and for want of this sundry churches have been interdicted, and kept from use as polluted. 17. Forms of consecration.

18. The Liturgy for the most part is framed out of the Romish breviary, rituals, mass-book, also the book of Ordination for archbishops and ministers framed out of the Roman Pontifical. 18. Romish sources of the P. B.

19. The multitude of canons formerly made, wherein among other things excommunication, *ipso facto*, is denounced for speaking of a word against the devices above-said, or subscription thereunto, though no law enjoined a 19. Imposition of subscription and canons.

1640. restraint from the ministry without subscription, and appeal is denied to any that should refuse subscription or unlawful conformity, though he be never so much wronged by the inferior judges. Also the canons made in the late sacred Synod, as they call it, wherein are many strange and dangerous devices to undermine the Gospel and the subjects' liberties, to propagate popery, to spoil God's people, ensnare ministers, and other students, and so to draw all into an absolute subjection and thraldom to them and their government, spoiling both the king and the parliament of their power.

20. Pluralities, and times for marriage. 20. The countenancing of plurality of benefices, prohibiting of marriages without their licence, at certain times, almost half the year, and licensing of marriages without banns asking.

21. Profanation of the Lord's Day. 21. Profanation of the Lord's Day, pleading for it, and enjoining ministers to read a declaration set forth (as it is thought) by their procurement for tolerating of sports upon that day, suspending and depriving many godly ministers for not reading the same only out of conscience, because it was against the law of God so to do, and no law of the land to enjoin it.

22. Observance of saints' days. 22. The pressing of the strict observation of the saints' days, whereby great sums of money are drawn out of men's purses for working on them; a very high burthen on most people, who getting their living on their daily employments, must either omit them, and be idle, or part with their money, whereby many poor families are undone, or brought behindhand; yet many churchwardens are sued, or threatened to be sued by their troublesome ministers, as perjured persons, for not presenting their parishioners who failed in observing holy days.

23. Increase of immorality. 23. The great increase and frequency of whoredoms and adulteries, occasioned by the prelates' corrupt administration of justice in such cases, who taking upon them the punish-

ment of it, do turn all into moneys for the filling of their purses; and lest their officers should defraud them of their gain, they have in their late canon, instead of remedying these vices, decreed that the commutation of penance shall not be without the bishops' privity. 1640.

24. The general abuse of that great ordinance of excommunication, which God hath left in His Church as the last and greatest punishment which the Church can inflict upon obstinate and great offenders; and the prelates and their officers, who of right have nothing to do with it, do daily excommunicate men, either for doing that which is lawful, or for vain, idle, and trivial matters, as working, or opening a shop on a holy day, for not appearing at every beck upon their summons, not paying a fee, or the like; yea, they have made it, as they do all other things, a hook or instrument wherewith to empty men's purses, and to advance their own greatness; and so that sacred ordinance of God, by their perverting of it, becomes contemptible to all men, and is seldom or never used against notorious offenders, who for the most part are their favourites. 24. Abuse of excommunication.

25. Yea further, the pride and ambition of the prelates being boundless, unwilling to be subject either to man or laws, they claim their office and jurisdiction to be *Jure Divino*, exercise ecclesiastical authority in their own names and rights, and under their own seals, and take upon them temporal dignities, places and offices in the commonwealth, that they may sway both swords. 25. Usurpation of civil offices by the prelates.

26. Whence follows the taking commissions in their own courts and consistories, and where else they sit in matters determinable of right at common law, the putting of ministers upon parishes, without the patron's and people's consent. 26. Invasion of Common Law.

27. The imposing of oaths of various and trivial articles yearly upon churchwardens and sidesmen, which they cannot take without perjury, unless they fall at jars continually with 27. Imposition of oaths upon church-

1640. their ministers and neighbours, and wholly neglect their own calling.

wardens, &c.

28. Inquisitorial action arbitrarily exerted

28. The exercising of the oath *ex officio*, and other proceedings by way of inquisition, reaching even to men's thoughts, the apprehending and detaining of men by pursuivants, the frequent suspending and depriving of ministers, fining and imprisoning of all sorts of people, breaking up of men's houses and studies, taking away men's books, letters, and other writings, seizing upon their estates, removing them from their callings, separating between them and their wives against both their wills, the rejecting of prohibitions with threatenings, and the doing of many other outrages, to the utter infringing the laws of the realm and the subjects' liberties, and ruining of them and their families; and of later time the judges of the land are so awed with the power and greatness of the prelates, and other ways promoted, that neither prohibition, *Habeas Corpus*, nor any other lawful remedy can be had, or take place, for the distressed subjects in most cases; only papists, Jesuits, priests, and such others as propagate popery or Arminianism, are countenanced, spared, and have much liberty; and from hence followed amongst others these dangerous consequences:—

with these consequences:

1. Romanist hopes excited.

1. The general hope and expectation of the Romish party, that their superstitious religion will ere long be fully planted in this kingdom again, and so they are encouraged to persist therein, and to practise the same openly in divers places, to the high dishonour of God, and contrary to the laws of the realm.

2. Voluntary exile of woollen and other manufacturers.

2. The discouragement and destruction of all good subjects, of whom are multitudes, both clothiers, merchants, and others, who being deprived of their ministers, and overburthened with these pressures, have departed the kingdom to Holland, and other parts, and have drawn with them a great manufacture of cloth and trading out of the

land into other places where they reside, whereby wool, the great staple of the kingdom, is become of small value, and vends not; trading is decayed, many poor people want work, seamen lose employment, and the whole land is much impoverished, to the great dishonour of this kingdom and blemishment to the government thereof. 1640.

3. The present wars and commotions happened between his majesty and his subjects of Scotland, wherein his majesty and all his kingdoms are endangered, and suffer greatly, and are like to become a prey to the common enemy in case the wars go on, which we exceedingly fear will not only go on, but also increase to an utter ruin of all, unless the prelates with their dependencies be removed out of England, and also they and their practices, who, as we under your honour's favours, do verily believe and conceive have occasioned the quarrel. 3. The dangers of the present Scotch war.

All which we humbly refer to the consideration of this honourable assembly, desiring the Lord of heaven to direct you in the right way to redress all these evils.

XCVIII.

THE PROTESTATION OF A. D. 1641.

1641.

The Protestation was the outcome of Pym's proposed appeal to the country during the suspense connected with the proceedings for the attainder of Strafford. It was drawn up by a committee of the House, May 3, 1641, and after some debate was accepted by the House, and a preamble was added. Next day all the Protestant Lords took it.

[Transcr. *Journals of the House of Commons*, ii. p. 132.]

We the knights, citizens, and burgesses of the Commons House in Parliament, finding to the grief of our hearts, that the designs of the priests and Jesuits, and other adherents to the See of Rome, have [been] of late more boldly and By reason of Romish assertion

1641. frequently put in practice than formerly, to the undermining and danger of the ruin of the true reformed religion in his majesty's dominions established; and finding also that there hath been, and having cause to suspect there still are, even during the sitting in Parliament, endeavours to subvert the fundamental laws of England and Ireland, and to introduce the exercise of an arbitrary and tyrannical government by most pernicious and wicked counsels, plots, and conspiracies; and that the long intermission and unhappier breach of Parliaments hath occasioned many illegal taxations, whereupon the subjects have been prosecuted and grieved; and that divers innovations and superstitions have been brought into the Church, multitudes driven out of his majesty's dominions, jealousies raised and fomented between the king and people; a popish army levied in Ireland, and two armies brought into the bowels of this kingdom, to the hazard of his majesty's royal person, the consumption of the revenue of the Crown and the treasure of this realm; and lastly finding the great causes of jealousy, endeavours have been, and are used, to bring the English army into misunderstanding of this Parliament, thereby to incline that army by force to bring to pass those wicked counsels; have therefore thought good to join ourselves in a declaration of our united affections and resolutions, and to make this ensuing Protestation:

and the increase of exactions and religious innovation and tyranny,

the Commons unite in this declaration and protestation,

in defence of the Protestant religion,

I, A. B., do, in the presence of God, promise, vow, and protest to maintain and defend, as far as lawfully I may with my life, power, and estate, the true reformed Protestant religion expressed in the doctrine of the Church of England, against all popery and popish innovations, and according to the duty of my allegiance to his majesty's royal person, honour and estate; as also the power and privilege of Parliament, the lawful rights and liberties of the subjects, and every person that maketh this Protestation

the king's person and estate,

in whatsoever he shall do, in the lawful pursuance of the same; and to my power, as far as lawfully I may, I will oppose, and by good ways and means endeavour to bring to condign punishment all such as shall by force, practice, counsel, plots, conspiracies or otherwise, do anything to the contrary in this present Protestation contained. And further, I shall, in all just and honourable ways, endeavour to preserve the union and peace betwixt the three kingdoms of England, Scotland, and Ireland, and neither for hope, fear, nor any other respect, shall relinquish this promise, vow, and protestation. 1641. the rights of Parliament and subject, and the general peace.

XCIX.

ACT FOR THE ABOLITION OF THE COURT OF HIGH COMMISSION, A.D. 1641.

17 CAR. 1. CAP. 11.

1641. THE Court of High Commission had been erected by the Supremacy Act of Queen Elizabeth (*ante*, No. LXXIX). Further legislation had been passed concerning it in 1583. Its powers had been freely exercised between 1629 and 1640, and had excited much hostility. Accordingly in June, 1641, a bill was introduced for its abolition, and another for the abolition of the Court of Star Chamber. These bills were read a third time, June 8, without a division. The king eventually gave his consent to both bills July 5, 1641. The Court of High Commission was revived for a short time under James II.

[Transcr. Scobell's *Acts and Ordinances of Parliament*, 1640–1656, p. 12.]

Whereas in the Parliament holden in the first year of the reign of the late Queen Elizabeth, late Queen of England, there was an Act made and established, entitled 'An Act restoring to the Crown the ancient jurisdiction over the State ecclesiastical and spiritual,' and abolishing all foreign power repugnant to the same; in which Act, amongst other things, there is contained one clause, branch, article, Recital of clause in 1 Eliz. cap. 1, establishing Court of High Commission.

1641. or sentence whereby it was enacted to this effect: namely, that the said late queen's highness, her heirs and successors, kings or queens of this realm, should have full power and authority by virtue of that Act, by letters patent under the great seal of England, to assign, name, and authorize, when and as often as her highness, her heirs or successors, should think meet and convenient, and for such and so long time as should please her highness, her heirs or successors, such person or persons, being natural born subjects to her highness, her heirs or successors, as her majesty, her heirs or successors, should think meet to exercise, use, occupy, and execute under her highness, her heirs and successors, all manner of jurisdictions, privileges, and pre-eminence in any wise touching or concerning any spiritual or ecclesiastical jurisdiction within these her realms of England and Ireland, or any other her highness's dominions and countries, and to visit, reform, redress, order, correct, and amend all such errors, heresies, schisms, abuses, offences, contempts, and enormities whatsoever, which, by any manner spiritual or ecclesiastical power, authority, or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended, to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm. And that such person or persons so to be named, assigned, authorized, and appointed by her highness, her heirs or successors, after the said letters patent to him or them made and delivered as aforesaid, should have full power and authority, by virtue of that Act and of the said letters patent, under her highness, her heirs or successors, to exercise, use, and execute all the premises, according to the tenor and effect of the said letters patent, any matter or cause to the contrary in any wise notwithstanding; and whereas by colour of some words in the foresaid branch of the said Act, whereby commissioners are authorized to execute their commission

according to the tenor and effect of the king's letters patent, and by letters patent grounded thereupon, the said commissioners have, to the great and insufferable wrong and oppression of the king's subjects, used to fine and imprison them, and to exercise other authority not belonging to ecclesiastical jurisdiction restored by that Act, and divers other great mischiefs and inconveniences have also ensued to the king's subjects by occasion of the said branch and commissions issued thereupon, and the executions thereof: 1641.

Therefore, for the repressing and preventing of the foresaid abuses, mischiefs, and inconveniences in time to come, be it enacted by the king's most excellent majesty, and the lords and commons in this present Parliament assembled, and by the authority of the same, that the foresaid branch, clause, article or sentence contained in the said Act, and every word, matter, and thing contained in that branch, clause, article, or sentence, shall from henceforth be repealed, annulled, revoked, annihilated, and utterly made void for ever; anything in the said Act to the contrary in any wise notwithstanding. The said clause repealed.

And be it also enacted by the authority aforesaid, that no archbishop, bishop, nor vicar general, nor any chancellor, official, nor commissary of any archbishop, bishop, or vicar general, nor any ordinary whatsoever, nor any other spiritual or ecclesiastical judge, officer, or minister of justice, nor any other person or persons whatsoever exercising spiritual or ecclesiastical power, authority or jurisdiction by any grant, licence, or commission of the king's majesty, his heirs or successors, or by any power or authority derived from the king, his heirs or successors, or otherwise, shall from and after the first day of August, which shall be in the year of our Lord God 1641, award, impose, or inflict any pain, penalty, fine, amercement, imprisonment, or other corporal punishment upon any of the king's subjects for any Power of the court annulled.

1641. contempt, misdemeanour, crime, offence, matter, or thing whatsoever belonging to spiritual or ecclesiastical cognizance or jurisdiction, or shall *ex officio*, or at the instance or promotion of any other person whatsoever, urge, enforce, tender, give or minister unto any churchwarden, sidesman, or other person whatsoever, any corporal oath, whereby he or she shall or may be charged or obliged to make any presentment of any crime or offence, or to confess or to accuse him or herself of any crime, offence, delinquency or misdemeanour, or any neglect, matter, or thing whereby, or by reason whereof, he or she shall or may be liable or exposed to any censure, pain, penalty, or punishment whatsoever, upon pain and penalty that every person who shall offend contrary to this statute shall forfeit and pay treble damages to every person thereby grieved, and the sum of £100 to him or them who shall first demand and sue for the same; which said treble damages and sum of £100 shall and may be demanded and recovered by action of debt, bill, or plaint, in any court of record wherein no privilege, essoin, protection, or wager of law shall be admitted or allowed to the defendant.

Penalty for breach of this statute.

Offenders convicted disabled for any office or employment.

And be it further enacted, that every person who shall be once convicted of any act or offence, prohibited by this statute, shall for such act or offence be from and after such conviction utterly disabled to be or continue in any office or employment in any court of justice whatsoever, or to exercise or execute any power, authority, or jurisdiction, by force of any commission or letters patent of the king, his heirs or successors.

No new court with like powers to be erected.

And be it further enacted, that from and after the said first day of August, no new court shall be erected, ordained, or appointed within this realm of England or dominion of Wales, which shall or may have the like power, jurisdiction, or authority as the said High Commission Court now has or pretends to have; but that all and every such

letters patent, commissions, and grants made or to be made by his majesty, his heirs or successors, and all powers and authorities granted, or pretended, or mentioned to be granted thereby, and all acts, sentences, and decrees, to be made by virtue or colour thereof, shall be utterly void and of none effect. 1641.

C.

RESOLUTIONS OF THE HOUSE OF COMMONS ON ECCLESIASTICAL INNOVATIONS, A. D. 1641.

THESE resolutions were brought in Sept. 1, 1641, a week before the adjournment of Parliament. After a debate in the Lords the resolutions were published by the Commons, together with the order concerning services given below, which order the Lords passed on their own authority, ignoring the resolutions. 1641.

[Transcr. *Journals of the House of Commons*, ii. p. 279.]

Whereas divers innovations in or about the worship of God have been lately practised in this kingdom, by enjoining some things and prohibiting others, without warrant of law, to the great grievance and discontent of his majesty's subjects; for the suppression of such innovations, and for preservation of the public peace, it is this day ordered by the Commons in Parliament assembled: To correct recent innovations

That the churchwardens of every parish church and chapel respectively do forthwith remove the Communion table from the east end of the church, chapel, or chancel into some other convenient place; and that they take away the rails, and level the chancels as heretofore they were before the late innovations. the Communion table is to be moved, rails taken away, and chancel levelled;

That all crucifixes, scandalous pictures of any one or more persons of the Trinity, and all images of the Virgin Mary shall be taken away and abolished, and that all crucifixes, pictures, &c., to be taken away;

1641. tapers, candlesticks, and basins be removed from the Communion table.

bowing and turning to the east to be forborne; and this even in privileged churches;

That all corporal bowing at the name of Jesus, or towards the east end of the church, chapel, or chancel, or towards the Communion table be henceforth forborne.

That the orders aforesaid be observed in all the several cathedral churches of this kingdom, and all the collegiate churches or chapels in the two Universities, or any other part of the kingdom, and in the Temple Church and the chapels of the other Inns of Court, by the deans of the said cathedral churches, by the Vice-Chancellors of the said Universities, and by the heads and governors of the several colleges and halls aforesaid, and by the benchers and readers in the said Inns of Court respectively.

the Lord's Day to be observed;

That the Lord's Day shall be duly observed and sanctified; all dancing or other sports, either before or after divine service, be forborne and restrained, and that the preaching of God's word be permitted in the afternoon in the several churches and chapels of this kingdom; and that ministers and preachers be encouraged thereunto.

observance of all the premises to be certified.

That the Vice-Chancellors of the Universities, heads and governors of colleges, all parsons, vicars, [and] churchwardens do make certificates of the performance of these orders; and if the same shall not be observed in any of the places aforementioned, upon complaint thereof made to the two next justices of peace, mayor, or head officers of cities or towns corporate, it is ordered that the said justices, mayor, or other head officer respectively, shall examine the truth of all such complaints, and certify by whose default the same are committed; all which certificates are to be delivered in Parliament before the thirtieth of October next.

This order was presented from the committee appointed to that purpose, and put to the question and assented unto.

CI.

ORDER OF THE LORDS CONCERNING THE SERVICES OF THE CHURCH, A. D. 1641.

[Transcr. *Journals of the House of Lords*, iv. p. 134.]

1641. THE Commons conferred with the Lords on Sept. 8 about the foregoing resolutions, asking them to consent thereto and join in publishing them. No answer was returned by the Lords, who next day, when Parliament was adjourning, published, independently of the Commons, an order concerning services which had been originally drafted on Jan. 16. This they now directed to be published. The Commons retaliated by publishing the order and the resolutions together. The Lords' order is printed below.

That the divine service be performed as it is appointed by the Acts of Parliament of this realm; and that all such as shall disturb that wholesome order shall be severely punished according to law; and that the parsons, vicars, and curates in [their] several parishes shall forbear to introduce any rites or ceremonials that may give offence, otherwise than those which are established by the laws of the land.

CII.

SELECTIONS FROM THE PETITION AND THE GRAND REMONSTRANCE, A. D. 1641.

1641. A REMONSTRANCE on the state of the kingdom was frequently proposed in the early months of 1641, but nothing was done. It was eventually drawn up, and read in the Commons Nov. 8. On the 15th and 16th it finally passed through committee with slight modification, and eventually, on Nov. 22, passed by a majority of 11. It was presented to the king Dec. 1.

[Rushworth, *Hist. Coll.* iv. 438, ed. 1721.]

[PART OF THE PETITION.]

Petition for restraint of

Your most humble and faithful subjects do, with all faithfulness and humility, beseech your majesty—

1641. bishops' power and tyranny,

1. That you will be graciously pleased to concur with the humble desires of your people in a parliamentary way, for the preserving the peace and safety of the kingdom from the malicious designs of the Popish party:—

For depriving the bishops of their votes in Parliament, and abridging their immoderate power usurped over the clergy, and other your good subjects, which they have perniciously abused to the hazard of religion, and great prejudice and oppression of the laws of the kingdom, and just liberty of your people.

For the taking away such oppressions in religion, Church government and discipline, as have been brought in and fomented by them.

and for removing unnecessary ceremonies, &c.

For uniting all such your loyal subjects together as join in the same fundamental truths against the Papists, by removing some oppressions and unnecessary ceremonies by which divers weak consciences have been scrupled, and seem to be divided from the rest, and for the due execution of those good laws which have been made for securing the liberty of your subjects. . . . . .

[The Grand Remonstrance.]

The Commons find that, despite their efforts for the public good, much opposition and aspersion continue.

The Commons in this present Parliament assembled, having with much earnestness and faithfulness of affection and zeal to the public good of this kingdom, and his majesty's honour and service for the space of twelve months, wrestled with great dangers and fears, the pressing miseries and calamities, the various distempers and disorders which had not only assaulted, but even overwhelmed and extinguished the liberty, peace, and prosperity of this kingdom, the comfort and hopes of all his majesty's good subjects, and exceedingly weakened and undermined the foundation and strength of his own royal throne, do yet find an abounding malignity and opposition in those parties and factions who have been the cause of those evils, and do

still labour to cast aspersions upon that which hath been done, and to raise many difficulties for the hindrance of that which remains yet undone, and to foment jealousies betwixt the king and Parliament, that so they may deprive him and his people of the fruit of his own gracious intentions, and their humble desires of procuring the public peace, safety and happiness of this realm. 1641.

They therefore set forth the cause and progress of such evils in the past, and suggest measures for the future.

For the preventing of those miserable effects which such malicious endeavours may produce, we have thought good to declare the root and the growth of these mischievous designs: the maturity and ripeness to which they have attained before the beginning of the Parliament: the effectual means which have been used for the extirpation of those dangerous evils, and the progress which hath therein been made by his majesty's goodness, and the wisdom of the Parliament: the ways of obstruction and opposition by which that progress hath been interrupted: the courses to be taken for the removing those obstacles, and for the accomplishing of our most dutiful and faithful intentions and endeavours of restoring and establishing the ancient honour, greatness and security of this crown and nation.

The various agencies employed have been:

The root of all this mischief we find to be a malignant and pernicious design of subverting the fundamental laws and principles of government, upon which the religion and justice of this kingdom are firmly established. The actors and promoters hereof have been:—

1. 'Jesuited Papists';

1. The Jesuited Papists, who hate the laws, as the obstacles of that change and subversion of religion which they so much long for.

2. Bishops and clergy;

2. The bishops, and the corrupt part of the clergy, who cherish formality and superstition as the natural effects and more probable supports of their own ecclesiastical tyranny and usurpation.

3. Unpatriotic statesmen.

3. Such councillors and courtiers as for private ends have engaged themselves to further the interests of some foreign

1641. princes or states to the prejudice of his majesty and the State at home.

Their measures have been:

The common principles by which they moulded and governed all their particular counsels and actions were these:—

1. Fomenting differences;

First, to maintain continual differences and discontents between the king and the people, upon questions of prerogative and liberty, that so they might have the advantage of siding with him, and under the notions of men addicted to his service, gain to themselves and their parties the places of greatest trust and power in the kingdom.

2. Corrupting religion;

A second, to suppress the purity and power of religion, and such persons as were best affected to it, as being contrary to their own ends, and the greatest impediment to that change which they thought to introduce.

3. Inciting to intrigue.

A third, to conjoin those parties of the kingdom which were most propitious to their own ends, and to divide those who were most opposite, which consisted in many particular observations. To cherish the Arminian part in those points wherein they agree with the Papists, to multiply and enlarge the difference between the common Protestants and those whom they call Puritans, to introduce and countenance such opinions and ceremonies as are fittest for accommodation with popery to increase and maintain ignorance, looseness and profaneness in the people; that of those three parties, Papists, Arminians, and Libertines, they might compose a body fit to act such counsels and resolutions as were most conducible to their own ends.

4. Endeavouring to influence the king.

A fourth, to disaffect the king to Parliaments by slanders and false imputations, and by putting him upon other ways of supply, which in show and appearance were fuller of advantage than the ordinary course of subsidies, though in truth they brought more loss than gain both to the king and people, and have caused the great distractions under which we both suffer.

As in all compounded bodies the operations are qualified according to the predominant element, so in this mixed party, the Jesuited counsels, being most active and prevailing, may easily be discovered to have had the greatest sway in all their determinations, and if they be not prevented, are likely to devour the rest, or to turn them into their own nature. In the beginning of his majesty's reign the party began to revive and flourish again, having been somewhat damped by the breach with Spain in the last year of King James, and by his majesty's marriage with France; the interests and counsels of that State being not so contrary to the good of religion and the prosperity of this kingdom as those of Spain; and the Papists of England, having been ever more addicted to Spain than France, yet they still retained a purpose and resolution to weaken the Protestant parties in all parts, and even in France, whereby to make way for the change of religion which they intended at home.

1641. Wherein the Romanists have been chiefly conspicuous, having recently increased.

[A selection from the various articles follows.]

51. The bishops and the rest of the clergy did triumph in the suspensions, excommunications, deprivations, and degradations of divers painful, learned, and pious ministers, in the vexation and grievous oppressions of great numbers of his majesty's good subjects.

Tyranny towards pious ministers.

52. The High Commission grew to such excess of sharpness and severity as was not much less than the Romish Inquisition, and yet in many cases by the archbishop's power was made much more heavy, being assisted and strengthened by authority of the council table.

Cruelty of High Commission Court.

53. The bishops and their courts were as eager in the country, although their jurisdiction could not reach so high in rigour and extremity of punishment, yet were they no less grievous in respect of the generality and multiplicity of vexations, which lighting upon the meaner

Rigour of Church courts.

1641. sort of tradesmen and artificers did impoverish many thousands,

Consequent voluntary exile,

54. And so afflict and trouble others, that great numbers, to avoid their miseries, departed out of the kingdom, some into New England and other parts of America, others into Holland,

and injury to trade.

55. Where they have transported their manufactures of cloth, which is not only a loss by diminishing the present stock of the kingdom, but a great mischief by impairing and endangering the loss of that particular trade of clothing, which hath been a plentiful fountain of wealth and honour to this nation.

Unfit persons preferred.

56. Those were fittest for ecclesiastical preferment, and soonest obtained it, who were most officious in promoting superstition, most virulent in railing against godliness and honesty.

Absolutist sermons preached.

57. The most public and solemn sermons before his majesty were either to advance prerogative above law, and decry the property of the subject, or full of such kind of invectives;

Good magistrates silenced.

58. Whereby they might make those odious who sought to maintain the religion, laws, and liberties of the kingdom. And such men were sure to be weeded out of the commission of the peace, and out of all other employments of power in the government of the country.

Free debate gagged.

59. Many noble personages were councillors in name, but the power and authority remained in a few of such as were most addicted to this party, whose resolutions and determinations were brought to the table for countenance and execution, and not for debate and deliberation, and no man could offer to oppose them without disgrace and hazard to himself.

Opponents discountenanced.

60. Nay, all those that did not wholly concur and actively contribute to the furtherance of their designs, though otherwise persons of never so great honour and abilities, were so

far from being employed in any place of trust and power, that they were neglected, discountenanced, and upon all occasions injured and oppressed. 1641.

61–64. This faction was grown to that height and entireness of power, that now they began to think of finishing their work, which consisted of these three parts:— Further means still in view.

(1). The Government must be set free from all restraint of laws concerning our persons and estates.

(2). There must be a conjunction betwixt Papists and Protestants in doctrine, discipline, and ceremonies: only it must not yet be called popery.

(3). The Puritans, under which name they include all those that desire to preserve the laws and liberties of the kingdom, and to maintain religion in the power of it, must be either rooted out of the kingdom with force, or driven out with fear.

65. For the effecting of this it was thought necessary to reduce Scotland to such popish superstitions and innovations as might make them apt to join with England in that great change which was intended. Scotland Romanized,

66. Whereupon new canons and a new liturgy were pressed upon them, and when they refused to admit of them, an army was raised to force them to it, towards which the clergy and the papists were very forward in their contributions. . . . and coerced.

85. The archbishop and the other bishops and clergy continued the Convocation, and by a new commission turned it into a provincial Synod, in which by an unheard-of presumption, they made canons that contain in them many matters contrary to the king's prerogative, to the fundamental laws and statutes of the realm, to the right of parliaments, to the property and liberty of the subject, and matters tending to sedition and of dangerous consequence, thereby establishing their own usurpations, justifying their altar-worship, and those other superstitious Convocation illegally continued.

1641. innovations which they formerly introduced without warrant of law.

Its illegal oath and other measures.

86. They imposed a new oath upon divers of his majesty's subjects, both ecclesiastical and lay, for maintenance of their own tyranny, and laid a great tax upon the clergy, for supply of his majesty; and generally they showed themselves very affectionate to the war with Scotland, which was by some of them styled *Bellum Episcopale*; and a prayer composed and enjoined to be read in all churches, calling the Scots rebels, to put the two nations in blood and make them irreconcileable.

Penalties proposed.

87. All those pretended canons and constitutions were armed with the several censures of suspension, excommunication, deprivation, by which they would have thrust out all the good ministers, and most of the well-affected people of the kingdom, and left an easy passage to their own design of reconciliation with Rome.

Romanists tolerated, and abetted in various ways.

88. The popish party enjoyed such exemptions from penal laws as amounted to a toleration, besides many other encouragements and court favours.

89. They had a Secretary of State, Sir Francis Windebanck, a powerful agent for speeding all their desires.

90. A pope's nuncio residing here, to act and govern them according to such influences as he received from Rome, and to intercede for them with the most powerful concurrence of the foreign princes of that religion.

91. By his authority the papists of all sorts, nobility, gentry, and clergy were convocated after the manner of a parliament.

92. New jurisdictions were erected of Romish archbishops, taxes levied, another state moulded within this state independent in government, contrary in interest and affection, secretly corrupting the ignorant or negligent professors of our religion, and closely uniting and combining themselves against such as were found in this posture,

waiting for an opportunity by force to destroy those whom they could not hope to seduce. 1641.

93. For the effecting whereof they were strengthened with arms and munitions, encouraged by superstitious prayers, enjoined by the nuncio, to be weekly made for the prosperity of some great design.

94. And such power had they at court, that secretly a commission was issued out, or intended to be issued to some great men of that profession, for the levying of soldiers, and to command and employ them according to private instructions, which we doubt were framed for the advantage of those who were the contrivers of them. . . .

In view of all this a reduction of episcopal power is desired,

184. We confess our intention is, and our endeavours have been, to reduce within bounds that exorbitant power which the prelates have assumed unto themselves, so contrary both to the word of God and to the laws of the land, to which end we passed the bill for the removing them from their temporal power and employments, that so the better they might with meekness apply themselves to the discharge of their functions, which bill themselves opposed, and were the principal instruments of crossing it.

yet with no relaxation of discipline.

185. And we do here declare that it is far from our purpose or desire to let loose the golden reins of discipline and government in the Church, to leave private persons or particular congregations to take up what form of divine service they please, for we hold it requisite that there should be throughout the whole realm a conformity to that order which the laws enjoin according to the word of God. And we desire to unburden the consciences of men of needless and superstitious ceremonies, suppress innovations, and take away the monuments of idolatry.

Wherefore a general Church Synod is advisable.

186. And the better to effect the intended reformation, we desire there may be a general synod of the most grave, pious, learned, and judicious divines of this island; assisted with some from foreign parts, professing the same religion

1641. with us, who may consider of all things necessary for the peace and good government of the Church, and represent the results of their consultations unto the Parliament, to be there allowed of and confirmed, and receive the stamp of authority, thereby to find passage and obedience throughout the kingdom.

CIII.

THE KING'S PROCLAMATION ON RELIGION, A. D. 1641.

1641. The Grand Remonstrance was, as stated in the introduction to the last document, presented to the king Dec. 1. The proclamation which follows, dated on the 10th, was intended partly as an indirect answer to the ecclesiastical side of the Remonstrance, and partly to counteract the indiscretion of the queen, who was alarmed at the dark prospects of the Roman Catholics in England in consequence of the feeling displayed against them by both Houses of Parliament.

[Transcr. S. P. Dom. Book of Proclamations, Chas. I, No. 237.]

By the King.

A Proclamation for obedience to the laws ordained for establishing of the true religion in this kingdom of England.

The king, in view of the dangers of division and diversity, desires uniformity of worship.

His majesty—considering that it is a duty most beseeming, and that most obliges sovereign authority in a Christian king to be careful (above all other things) of preserving and advancing the honour and service of Almighty God, and the peace and tranquillity of the Church, to which end his majesty with his Parliament has it under consideration, how all just scruples may be removed, and being in the meantime sensible that the present division, separation, and disorder about the worship and service of God, as it is established by the laws and statutes of this kingdom in the Church of England, tends to great distraction and confusion, and may endanger the subversion of the very essence and substance of true religion—has resolved, for the pre-

servation of unity and peace (which is most necessary at this time for the Church of England), to require obedience to the laws and statutes ordained for establishing of the true religion in this kingdom, whereby the honour of God may be advanced, to the great comfort and happiness both of his majesty and his good subjects. 1641.

His majesty doth therefore charge and command, that Divine Service be performed in this his kingdom of England and dominion of Wales, as is appointed by the laws and statutes established in this realm, and that obedience be given by all his subjects, ecclesiastical and temporal, to the said laws and statutes concerning the same; and that all judges, officers, and ministers, ecclesiastical and temporal, according to justice and their respective duties, do put the said Acts of Parliament in due execution against all wilful contemners and disturbers of divine service contrary to the said laws and statutes. He therefore requires obedience to laws concerning divine service.

His majesty doth further command that no parsons, vicars, or curates, in their several parishes, shall presume to introduce any rite or ceremonies other than those which are established by the laws and statutes of the land. No clergyman may innovate thereon.

Given at his majesty's palace of Whitehall the tenth day of December, in the seventeenth year of his majesty's reign.

God save the king.

CIV.

THE CLERICAL DISABILITIES ACT, 1642.

16 CAR. 1, CAP. 27.

THE Root and Branch Bill dropped when Parliament reassembled in Oct. 1641. On the 21st a new Bill was brought in to deprive the clergy of all temporal authority, and especially to exclude the bishops from the House of Lords. It was read a third time Oct. 23, and then went up to the Lords, and received the royal assent Feb. 13, 1642.

1642. 1642. This was the second Clerical Disabilities Bill, or Bishops' Exclusion Bill as it is generally called. The first passed the Commons on May Day, 1641, but was thrown out by the Lords June 8.

[Transcr. Statutes of the Realm, v. 138.]

No person in Holy Orders to be member of Parliament, privy councillor, justice, or hold any temporal authority.

Whereas bishops and other persons in Holy Orders ought not to be entangled with secular jurisdiction, the office of the ministry being of such great importance that it will take up the whole man, and for that it is found by long experience that their intermeddling with secular jurisdictions has occasioned great mischiefs and scandals both to Church and State, his majesty, out of his religious care of the Church and souls of his people, is graciously pleased that it be enacted, and by authority of this present Parliament be it enacted, that no archbishop or bishop or other person that now is or hereafter shall be in Holy Orders, shall at any time after the fifteenth day of February, in the year of our Lord 1641, have any seat or place, suffrage, or voice, or use, or execute any power or authority in the Parliaments of this realm, nor shall be of the Privy Council of his majesty, his heirs or successors, or justice of the peace of *oyer* and *terminer* or gaol delivery, or execute any temporal authority by virtue of any commission, but shall be wholly disabled and be incapable to have, receive, use, or execute any of the said offices, places, powers, authorities, and things aforesaid.

All action so prohibited to be void.

And be it further enacted by the authority aforesaid, that all acts from and after the said fifteenth day of February, which shall be done or executed by any archbishop or bishop, or other person whatsoever in Holy Orders, and all and every suffrage or voice given or delivered by them or any of them, or other thing done by them or any of them contrary to the purport and true meaning of this present Act, shall be utterly void to all intents, constructions, and purposes.

CV.

THE DECLARATION OF THE HOUSES ON CHURCH REFORM, A. D. 1642.

THIS declaration appears to have been by way of Parliamentary explanation to the nation after the Kentish petition of March 25 had protested against the assault being made upon the Church. The declaration is variously dated April 8 or 9, 1642. 1642.

[Transcr. *Journals of the House of Lords*, iv. p 706.]

The Lords and Commons do declare that they intend a due and necessary reformation of the government and liturgy of the Church, and to take away nothing in the one or the other but what shall be evil and justly offensive, or at least unnecessary and burdensome; and, for the better effecting thereof, speedily to have consultation with godly and learned divines; and because this will never of itself attain the end sought therein, they will therefore use their utmost endeavour to establish learned and preaching ministers, with a good and sufficient maintenance, throughout the whole kingdom, wherein many dark corners are miserably destitute of the means of salvation, and many poor ministers want necessary provision.

Pending the reform of Church government and liturgy

the efficiency and maintenance of ministers to be ensured.

CVI.

SELECTION FROM THE YORK, OXFORD, AND NEWCASTLE PROPOSITIONS, A. D. 1642 TO 1646.

PROPOSITIONS were sent by both Houses of Parliament to King Charles I at York June 1, 1642, at Oxford Feb. 1, 1643, at Uxbridge Nov. 24, 1644, at Newcastle July 13, 1646. These propositions relate to the various grievances of the times. Those which concern

1642. the Church are chiefly Nos. 6 to 8 at York, 4, 5, 12 at Oxford, 2 to 11 at Uxbridge. The Newcastle propositions referring to the Church are an almost literal repetition of those at Uxbridge.

York Proposition, No. 8.

[Rushworth, 4. 722; ed. 1721.]

Reformation of Church government and Liturgy. Maintenance of preaching ministers. Abolition of innovations.

That your majesty will be pleased to consent that such a reformation be made of the Church government and liturgy as both Houses of Parliament shall advise; wherein they intend to have consultations with divines, as is expressed in their declaration to that purpose; and that your majesty will contribute your best assistance to them for the raising of a sufficient maintenance for preaching ministers through the kingdom; and that your majesty will be pleased to give your consent to laws for the taking away of innovations and superstition, and of pluralities, and against scandalous ministers.

Oxford Proposition, No. 4.

[Rushworth, 5. 166; ed. 1721.]

The king's assent requested to various acts concerning the Church.

That your majesty will be pleased to give your royal assent unto the Bill for taking away superstitious innovations; to the Bill for the utter abolishing and taking away of all archbishops, bishops, their chancellors and commissaries, deans, sub-deans, deans and chapters, archdeacons, canons and prebendaries, and all chanters, chancellors, treasurers, sub-treasurers, succentors and sacrists, and all vicars choral and choristers, old vicars and new vicars of any cathedral or collegiate church, and all other their under officers, out of the Church of England: to the Bill against scandalous ministers: to the Bill against pluralities: and to the Bill for consultation to be had with godly, religious, and learned divines; that your majesty will be pleased to promise to pass such other good Bills for settling of Church government as upon consultation with the

assembly of the said divines shall be resolved on by both Houses of Parliament, and by them be presented to your majesty. 1642.

Newcastle Propositions, Nos. 2 to 12.

[Rushworth, 6. 309; ed. 1721.]

2. That his majesty, according to the laudable example of his royal father of happy memory, may be pleased to swear and sign the late Solemn League and Covenant; and that an Act of Parliament be passed in both kingdoms respectively, for enjoining the taking thereof by all the subjects of the three kingdoms; and the ordinances concerning the manner of taking the same in both kingdoms be confirmed by Acts of Parliament respectively, with such penalties as, by mutual advice of both kingdoms, shall be agreed upon. The king to take and enforce the Covenant.

3. That a Bill be passed for the utter abolishing and taking away of all archbishops, bishops, their chancellors and commissaries, deans and sub-deans, deans and chapters, archdeacons, canons and prebendaries, and all chanters, chancellors, treasurers, sub-treasurers, succentors and sacrists, and all vicars choral and choristers, old vicars and new vicars of any cathedral or collegiate church, and all other under officers, out of the Church of England and dominion of Wales, and out of the Church of Ireland, with such alterations concerning the estates of prelates, as shall agree with the articles of the late treaty of the date, at Edinburgh, November 29, 1643, and joint declaration of both kingdoms. Episcopacy, cathedral and collegiate churches to be abolished.

4. That the ordinances concerning the calling and sitting of the assembly of divines be confirmed by Act of Parliament. Westminster Assembly to be confirmed.

5. That reformation of religion, according to the Covenant, be settled by Act of Parliament, in such manner as Religion to be

1642. both Houses have agreed, or shall agree upon, after consultation had with the assembly of divines.

reformed on the basis of the Covenant.

6. Forasmuch as both kingdoms are mutually obliged by the same Covenant, to endeavour the nearest conjunction and uniformity in matters of religion, according to the Covenant, as, after consultation had with the divines of both kingdoms assembled, is or shall be jointly agreed upon by both Houses of Parliament of England, and by the Church and kingdom of Scotland, be confirmed by Acts of Parliament of both kingdoms respectively [1].

Uniformity of religion to be secured for England and Scotland.

Abjuration oath for Romanists.

7. That for the more effectual disabling Jesuits, priests, papists, and popish recusants from disturbing the State and deluding the laws, and for the better discovering and speedy conviction of recusants, an oath be established by Act of Parliament, to be administered to them, wherein they shall abjure and renounce the pope's supremacy, the doctrine of transubstantiation, purgatory, worshipping of the consecrated host, crucifixes and images, and all other popish superstitions and errors; and refusing the said oath, being tendered in such manner as shall be appointed by the said Act, to be a sufficient conviction of recusancy.

Education of Romanist children.

8. An Act of Parliament for education of the children of papists by Protestants in the Protestant religion.

Penalties for Romanists.

9. An Act for the true levying of the penalties against them, which penalties to be levied and disposed in such manner as both Houses shall agree on, wherein to be provided that his majesty shall have no loss.

10. That an Act be passed in Parliament, whereby the practices of papists against the State may be prevented, and the laws against them duly executed, and a stricter course taken to prevent the saying or hearing of Mass in the court or any other part of this kingdom.

11. The like for the kingdom of Scotland, concerning

[1] *sic.*

the four last preceding propositions, in such manner as the estates of the Parliament there shall think fit. 1642.

12. That the king do give his royal assent to an Act for the due observation of the Lord's day; Request for the king's assent to various enactments.

And to the Bill for the suppression of innovations in churches and chapels, in and about the worship of God, &c.;

And for the better advancement of the preaching of God's holy word in all parts of this kingdom;

And to the Bill against the enjoying of pluralities of benefices by spiritual persons, and non-residency;

And to an Act to be framed and agreed upon by both Houses of Parliament, for the reforming and regulating of both Universities, of the Colleges of Westminster, Winchester, and Eton.

CVII.

THE SOLEMN LEAGUE AND COVENANT, A. D. 1643.

THE Solemn League and Covenant was prepared by Alexander Henderson, the Scotch commissioner, on the lines of the national Covenant of 1638. This was in August, 1643. It was amended by Vane. It was then taken by the Convention of Estates in Scotland Aug. 17. The Westminster Assembly, which had met July 1, now received the document and amended it. Further slight change was made by the House of Commons, and by the House of Lords. It was taken by the Commons Sept. 25, and by the Lords Oct. 15; and on Feb. 5, 1644, was universally imposed upon all Englishmen over eighteen years of age. 1643.

[Rushworth, *Hist. Coll.* 5. 478; ed. 1721.]

A solemn league and covenant for reformation and defence of religion, the honour and happiness of the king, and the peace and safety of the three kingdoms of England, Scotland, and Ireland.

We noblemen, barons, knights, gentlemen, citizens, burgesses, ministers of the gospel, and commons of all In the interests of the

1643. reformed religion, the glory of God, the welfare of king and people, and in view of religious conspiracies resulting in the present troubles, the subscribers unite in the league and covenant, and swear:

sorts in the kingdoms of England, Scotland, and Ireland, by the providence of God living under one king, and being of one reformed religion; having before our eyes the glory of God, and the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the king's majesty and his posterity, and the true public liberty, safety, and peace of the kingdoms, wherein every one's private condition is included; and calling to mind the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of God against the true religion and professors thereof in all places, especially in these three kingdoms, ever since the reformation of religion, and how much their rage, power, and presumption are of late, and at this time increased and exercised, whereof the deplorable estate of the Church and kingdom of Ireland, the distressed estate of the Church and kingdom of England, and the dangerous estate of the Church and kingdom of Scotland, are present and public testimonies: we have (now at last), after other means of supplication, remonstrance, protestations, and sufferings, for the preservation of ourselves and our religion from utter ruin and destruction, according to the commendable practice of these kingdoms in former times, and the example of God's people in other nations, after mature deliberation, resolved and determined to enter into a mutual and solemn league and covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do swear:

I.

1. The preservation of the reformed religion in Scotland, and its promotion in England

That we shall sincerely, really, and constantly, through the grace of God, endeavour in our several places and callings, the preservation of the reformed religion in the Church of Scotland, in doctrine, worship, discipline, and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in

doctrine, worship, discipline, and government, according to the word of God and the example of the best reformed Churches; and we shall endeavour to bring the Churches of God in the three kingdoms to the nearest conjunction and uniformity in religion, confession of faith, form of Church government, directory for worship and catechizing, that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us. 1643. and Ireland.

II.

That we shall in like manner, without respect of persons, endeavour the extirpation of popery, prelacy (that is, Church government by archbishops, bishops, their chancellors and commissaries, deans, deans and chapters, archdeacons, and all other ecclesiastical officers depending on that hierarchy), superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine and the power of godliness, lest we partake in other men's sins, and thereby be in danger to receive of their plagues; and that the Lord may be one, and His name one in the three kingdoms. 2. The extirpation of popery, prelacy, &c.

III.

We shall, with the same sincerity, reality, and constancy, in our several vocations, endeavour with our estates and lives mutually to preserve the rights and privileges of the Parliaments, and the liberties of the kingdoms, and to preserve and defend the king's majesty's person and authority, in the preservation and defence of the true religion and liberties of the kingdoms, that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish his majesty's just power and greatness. 3. The preservation of the rights of the national Parliaments, liberties, royalty, &c.

1643.

IV.

4. The discovery of the enemies of religion and peace.

We shall also with all faithfulness endeavour the discovery of all such as have been or shall be incendiaries, malignants, or evil instruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdoms from another, or making any faction or parties amongst the people, contrary to the league and covenant, that they may be brought to public trial and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V.

5. The maintenance of the existing peace.

And whereas the happiness of a blessed peace between these kingdoms, denied in former times to our progenitors, is by the good providence of God granted unto us, and hath been lately concluded and settled by both Parliaments: we shall each one of us, according to our places and interest, endeavour that they may remain conjoined in a firm peace and union to all posterity, and that justice may be done upon the wilful opposers thereof, in manner expressed in the precedent articles.

VI.

6. The steadfast union of the subscribers in attaining the foregoing.

We shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdom, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof; and shall not suffer ourselves, directly or indirectly, by whatsoever combination, persuasion, or terror, to be divided and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or give ourselves to a detestable indifferency or neutrality in

this cause, which so much concerneth the glory of God, the good of the kingdoms, and the honour of the king; but shall all the days of our lives zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever; and what we are not able ourselves to suppress or overcome we shall reveal and make known, that it may be timely prevented or removed: all which we shall do as in the sight of God. 1643.

And because these kingdoms are guilty of many sins and provocations against God and His Son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof: we profess and declare, before God and the world, our unfeigned desire to be humbled for our sins, and for the sins of these kingdoms; especially that we have not as we ought valued the inestimable benefit of the gospel; that we have not laboured for the purity and power thereof; and that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of Him in our lives, which are the causes of other sins and transgressions so much abounding amongst us, and our true and unfeigned purpose, desire, and endeavour, for ourselves and all others under our power and charge, both in public and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away His wrath and heavy indignation, and establish these Churches and kingdoms in truth and peace. And this covenant we make in the presence of Almighty God, the Searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day when the secrets of all hearts shall be disclosed; most humbly beseeching the Lord to strengthen us by His Holy Spirit for this end, and to bless our desires and proceedings with such success as may be a deliverance and safety to His people, and encouragement

In contemplation of all which, the subscribers unite in confession of sin and shortcoming in the past,

and desire of improvement for the future.

1643. to the Christian Churches groaning under or in danger of the yoke of antichristian tyranny, to join in the same or like association and covenant, to the glory of God, the enlargement of the kingdom of Jesus Christ, and the peace and tranquillity of Christian kingdoms and commonwealths.

CVIII.

SELECTIONS FROM THE AGREEMENT OF THE PEOPLE, A. D. 1649.

1649. THE Grand Army Remonstrance had been issued Nov. 16, 1648, virtually forming the programme of those in authority, as it demanded the trial and punishment of the king, and then the speedy dissolution of the existing Parliament so soon as provision had been made for regular Parliaments in future. In this document an appendix was promised as a guide for subsequent action. The outcome of this was the *Agreement of the people of England, and the places therewith incorporated, for a secure and present peace upon grounds of common right, freedom, and safety.* It had been originally drawn up in Oct. 1647, and was now modified by the army authorities. Its date is Jan. 20, 1649.

[Transcr. Gardiner, *C. D.* 270.]

An agreement of the people of England, and the places therewith incorporated, for a secure and present peace, upon grounds of common right, freedom, and safety.

9. Concerning religion, we agree as followeth :

1. A reformed profession of Christianity to be the national religion.

(1) It is intendéd that the Christian religion be held forth and recommended as the public profession in this nation, which we desire may, by the grace of God, be reformed to the greatest purity in doctrine, worship, and discipline, according to the word of God ; the instructing the people thereunto in a public way, so it be not compulsive ; as also the maintaining of able teachers for that end, and for the confutation or discovering of heresy, error, and whatsoever is contrary to sound doctrine, is allowed to be provided for by our representatives ; the maintenance

of which teachers may be out of a public treasury, and we desire, not by tithes: provided that popery or prelacy be not held forth as the public way or profession in this nation. (2) That, to the public profession so held forth, none be compelled by penalties or otherwise; but only may be endeavoured to be won by sound doctrine, and the example of a good conversation. (3) That such as profess faith in God by Jesus Christ, however differing in judgment from the doctrine, worship, or discipline publicly held forth as aforesaid, shall not be restrained from, but shall be protected in, the profession of their faith and exercise of religion, according to their consciences, in any place except such as shall be set apart for the public worship; where we provide not for them, unless they have leave, so as they abuse not this liberty to the civil injury of others, or to actual disturbance of the public peace on their parts. Nevertheless it is not intended to be hereby provided that this liberty shall necessarily extend to popery or prelacy. (4) That all laws, ordinances, statutes, and clauses in any law, statute, or ordinance to the contrary of the liberty herein provided for, in the two particulars next preceding concerning religion, be, and are hereby, repealed and made void. 1649.

2. No religious compulsion to be used.

3. Religious liberty to be allowed with reservation.

CIX.

THE ENGAGEMENT, A. D. 1650.

THE Parliament of 1650 abolished the obligation of subscribing to the Covenant, and substituted for it the declaration which follows. It is embodied in 'An Act for subscribing the Engagement,' and is to be taken by all men of the age of eighteen. 1650.

[Transcr. British Museum, *Civil War Tracts*, E. 1060, No. 77.]

I do declare and promise that I will be true and faithful to the commonwealth of England, as it is now established, without a king or House of Lords.

CX.

SELECTIONS FROM THE INSTRUMENT OF GOVERNMENT, A. D. 1653.

1653. On Dec. 16, 1653, Cromwell was appointed 'His Highness the Lord Protector.' The powers and duties of the protectorate were set forth in the forty-two articles of the Instrument of Government. What follows is that part which relates to Church matters.

[Transcr. Gardiner, *C. D.* 314.]

A national profession of Christianity is to be maintained, and teachers to be hereafter appointed.

35. That the Christian religion, as contained in the Scriptures, be held forth and recommended as the public profession of these nations; and that, as soon as may be, a provision, less subject to scruple and contention, and more certain than the present, be made for the encouragement and maintenance of able and painful teachers, for the instructing the people, and for discovery and confutation of error, heresy, and whatever is contrary to sound doctrine; and until such provision be made, the present maintenance shall not be taken away or impeached.

No religious compulsion is to be used.

36. That to the public profession held forth none shall be compelled by penalties or otherwise; but that endeavours be used to win them by sound doctrine and the example of a good conversation.

Liberty of Christian worship, with reservation, to be allowed,

37. That such as profess faith in God by Jesus Christ (though differing in judgment from the doctrine, worship, or discipline publicly held forth) shall not be restrained from, but shall be protected in, the profession of the faith and exercise of their religion, so as they abuse not this liberty to the civil injury of others and to the actual disturbance of the public peace on their parts: provided this liberty be not extended to popery or prelacy, nor to such as, under the profession of Christ, hold forth and practise licentiousness.

and all Acts to the con-

38. That all laws, statutes, and ordinances, and clauses

in any law, statute, or ordinance to the contrary of the aforesaid liberty, shall be esteemed as null and void. 1653. trary to be repealed.

39. That the Acts and ordinances of Parliament made for the sale or other disposition of the lands, rents, and hereditaments of the late king, queen, and prince, of archbishops and bishops, &c., deans and chapters, the lands of delinquents and forest-lands, or any of them, or of any other lands, tenements, rents, and hereditaments belonging to the commonwealth, shall nowise be impeached or made invalid, but shall remain good and firm; and that the securities given by Act and ordinance of Parliament for any sum or sums of money, by any of the said lands, the excise, or any other public revenue, and also the securities given by the public faith of the nation, and the engagement of the public faith for satisfaction of debts and damages, shall remain firm and good, and not be made void and invalid upon any pretence whatsoever. Royal and Church lands, &c., to be held as Parliament has allowed.

CXI.

THE COMMISSION OF TRIERS, A. D. 1654.

1654.

In 1640 a committee of Parliament had been formed to remove scandalous ministers. In 1642 the 'Committee for Plundered Ministers' provided Puritan ministers to vacant livings, and local committees were formed to eject other 'scandalous ministers,' for whom Parliament made some provision. Many who refused the Covenant were turned out of their benefices in 1643. When the Engagement was substituted for the Covenant in 1643 some of the clergy returned. The Commission of Triers was then appointed by Cromwell in 1654 in order to fill benefices still vacant. It was instituted March 20, 1654. At the end of August of the same year commissioners were again appointed in each county to eject 'scandalous ministers.'

[Transcr. Scobell's *Acts and Ordinances of Parliament*, part ii. p. 279.]

Whereas for some time past hitherto there hath not been any certain course established for the supplying vacant

1654. places with able and fit persons to preach the gospel, by reason whereof not only the rights and titles of patrons are prejudiced, but many weak, scandalous, popish, and ill-affected persons have intruded themselves, or been brought in, to the great grief and trouble of the good people of this nation; for remedy and prevention whereof,

All public preachers shall be first approved. be it ordained by his highness the lord protector, by and with the consent of his council, that every person who shall from and after the five-and-twentieth day of March instant be presented, nominated, chosen, or appointed to any benefice (formerly called benefice with care of souls), or to preach any public settled lecture in England or Wales, shall, before he be admitted into any such benefice or lecture, be judged and approved, by the persons hereafter named, to be a person for the grace of God in him, his holy and unblamable conversation, as also for his knowledge and utterance, able and fit to preach the gospel; and that, after the said five-and-twentieth day of March, no person, but such as shall upon such approbation be admitted by the said persons, shall take any public lecture, having a constant stipend legally annexed and belonging thereunto, or take or receive any such benefice as aforesaid, or the profits thereof; and be it further

Commissioners for approbation. ordained, that [here follows a long list of names] shall be, and are hereby nominated, constituted, and appointed, commissioners for such approbation and admission as is above-said; and upon death or removal of any of them, others

How to be supplied in case of death or removal. shall from time to time be nominated in their places by the lord protector and his successors, by advice of his council, in the interval of Parliaments, and, sitting the Parliament, by the protector and Parliament; and the said

Powers to judge of fitness; commissioners, or any five or more of them, met together in some certain place in the city of London or Westminster, as his highness shall appoint, are hereby authorized to judge and take knowledge of the ability and fitness of any person

so presented, nominated, chosen, or appointed, according to the qualifications above mentioned, and upon their approbation of such his ability and fitness, to grant unto such person admission to such benefice or lecture by an instrument in writing under a common seal to be appointed by his highness, and under the hand of the register or registers for the time being, to be also nominated by the lord protector and his successors; which instrument the said register or registers shall cause to be entered in a book for that purpose, and kept upon record. 1654. to grant admission.

And it is hereby declared, that the said person so admitted into any such benefice shall be possessor and incumbent of the same, and entitled thereby to the profits, perquisites, and all rights and dues incident and belonging thereunto, as fully and effectually as if he had been instituted and inducted according to the laws of this realm; as also the person that shall be so admitted to any lecture as aforesaid, shall be thereby enabled, according to the establishment and constitution of such lecture, to preach therein, and to have and receive the stipend or profits to such lecture belonging. Such instruments to be as sufficient as institution and induction.

Provided always, that no person who shall tender himself, or be tendered for approbation as aforesaid, shall be concluded by any vote of the said commissioners which shall pass in the negative as to his approbation, unless nine or more of the said commissioners be present at such vote. A negative vote not to be conclusive unless nine or more be present.

And it is further ordained, that all patrons of any benefices that are now void shall, within six months next after the five-and-twentieth of this instant March, and of any benefice that shall hereafter be void within six months next after the avoidance of the same, present unto the said commissioners, or any five of them, some fit person to be admitted; and for default of such presentation within that time, the presentation for that turn shall devolve by lapse unto the lord protector and his successors. Patrons to present in six months or their patronage to lapse.

1654.

Notice to be of force to prevent a lapse.

Provided always, that in case the patron be disturbed to present unto such benefice, and thereupon within six months after the avoidance of such benefice a suit be commenced for the recovery of such presentation, and notice thereof in writing left with the said commissioners or any five of them, or the register, that then such notice shall be as effectual to prevent the lapse as where the suit was heretofore commenced against the bishop or ordinary.

Invacancy, who shall receive the profits.

And it is further ordained, that during the vacancy of such place by reason of such suit, the said commissioners, or any five or more of them, have hereby authority to sequester the fruits and profits thereof for supplying of the place with an able preacher, by the said commissioners, or any five or more of them, to be nominated and approved of as aforesaid.

Time for approbation.

And forasmuch as many persons since the first day of April last past have been placed in such benefices and public lectures, it is hereby ordained, that, in case such person shall not before the four-and-twentieth day of June next obtain approbation and admittance in the manner before expressed, then such person or persons as have right thereunto shall or may present or nominate some other fit and able person to such place.

And in default of such presentation within two months after the said four-and-twentieth day of June, or within six months after the place became void, the presentation for that turn shall likewise devolve, by lapse, unto the lord protector and his successors.

Testimonial before admittance.

And for the better satisfaction of the commissioners touching the godly and unblamable conversation of such persons as are to be admitted into any place as aforesaid, it is further declared and ordained, that before any admittance of any such person as aforesaid, there shall be brought to the said commissioners, or any five of them, a testimonial or certificate in writing, subscribed with the

hands of three persons of known godliness and integrity, whereof one at least to be a preacher of the gospel in some constant settled place, testifying upon their personal knowledge the holy and good conversation of the person so to be admitted, which said certificate shall be duly registered and filed. And it is also declared, that all penalty for or in respect of the not subscribing or reading the Articles mentioned in the Act of the thirteenth year of Queen Elizabeth, entitled: Reformation of Disorders in the Ministers of the Church, or for not producing such testimonial as in the said Act is required, shall from henceforth cease and be void. 1654. Penalty by the Act of 13 Eliz. void.

And whereas for the better maintenance of preaching ministers several augmentations by authority of Parliament have been heretofore granted, be it further ordained that all person or persons who claim, or shall hereafter claim, the benefit of such augmentation shall, before he or they receive the same, obtain the approbation of the said commissioners, or five of them, as a person qualified as is before mentioned. And in case of approbation, such approbation shall be entered by the register who, under his hand, shall also signify the same to such person or persons as are or shall be authorized to pay such augmentation, who are hereby required and authorized from time to time to pay the person or persons so approved such augmentation as has been or shall be granted unto him or the place where he preaches, taking his or their acquittances for the same. Persons claiming augmentations to be first approved.

Provided, and it is hereby declared, that this ordinance, or anything therein contained, shall not be construed to extend unto or to revive any dignities, offices, or benefices ecclesiastical, suppressed by authority of Parliament; nor to any benefices ecclesiastical that were not presentative before the ordinance for suppression of bishops; nor to any lectures preached or read in any of the Universities. This shall not extend to revive offices or dignities ecclesiastical suppressed by Parliament; nor to benefices

And it is hereby lastly declared and ordained, that the

1654. approbation or admittance aforesaid, in such manner as is before prescribed, is not intended nor shall be construed to be any solemn or sacred setting apart of a person to any particular office in the ministry; but only by such trial and approbation to take care that places destitute may be supplied with able and faithful preachers throughout this nation; and that such fit and approved persons, faithfully labouring in the work of the gospel, may be in a capacity to receive such public stipend and maintenance as is or shall be allowed to such places.

not presentative, nor to lecturers in the Universities.

This is not intended to be a solemn or sacred setting apart to the ministry.

CXII.

SELECTION FROM CROMWELL'S PROCLAMATION OF 1655.

1655. This proclamation was issued by Cromwell Nov. 24, 1655. For an account of the circumstances of its issue, see Walker, *Sufferings of the Clergy*, part i. p. 194.

[Transcr. Walker's *Sufferings of the Clergy*, part i. 194; ed. 1714.]

After Jan. 1, 1656, no sequestered or ejected minister

His highness, by the advice of his council, doth also publish, declare, and order that no person or persons aforesaid do, from and after the first day of January, 1655 [–6], keep in their houses or families as chaplains, or schoolmasters for the education of their children, any sequestered or ejected minister, fellow of a college, or schoolmaster, nor permit any of their children to be taught by such, upon pain of being proceeded against in such sort as the said orders do direct in such cases, and that no person who has been sequestered or ejected out of any benefice, college, or school, for delinquency or scandal, shall, from and after the said first day of January, keep any school either public or private; nor any person who after that time shall be ejected for the causes aforesaid. And that no person who for delinquency or scandal has been sequestered or ejected

is to keep school or teach privately, or act as chaplain, or in any wise officiate,

shall, from and after the first day of January aforesaid, preach in any public place or at any private meeting of any other persons than those of his own family, nor shall administer Baptism or the Lord's Supper, or marry any persons, or use the Book of Common Prayer, or the forms of prayer therein contained, upon pain that every person so offending in any the premises shall be proceeded against as by the said orders is provided and directed. 1655. under penalty stated in the orders.

CXIII.

SELECTIONS FROM THE HUMBLE PETITION AND ADVICE.

THIS petition, consisting of eighteen clauses, and dealing generally with matters of government, was introduced by Sir C. Pack, Feb. 23, 1657. It occupied the attention of Parliament for the next three months. The contents amounted to a complete recasting of the constitution; the clauses following affected religion. After additions and modifications it received its final form on May 25, and became law, thus superseding the Instrument of 1653. 1657.

[Transcr. Scobell's *Acts and Ordinances of Parliament*, part ii. p. 378.]

To his highness the lord protector of the commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging, the humble petition and advice of the knights, citizens, and burgesses now assembled in the Parliament of this commonwealth:

10. And whereas your highness out of your zeal to the glory of God and the propagation of the gospel of the Lord Jesus Christ, has been pleased to encourage a godly ministry in these nations, we earnestly desire that such as do openly revile them or their assemblies, or disturb them in the worship or service of God to the dishonour of God, scandal of good men, or breach of the peace, may be punished according to law; and where the laws are defective that Means to be taken to protect the godly ministry.

1657. your highness will give consent to such laws as shall be made in that behalf.

The true Protestant faith to be professed and a uniform confession drawn up;

11. That the true Protestant Christian religion, as it is contained in the Holy Scriptures of the Old and New Testament, and no other, be held forth and asserted for the public profession of these nations; and that a confession of faith, to be agreed by your highness and the Parliament, according to the rule and warrant of the Scriptures, be asserted, held forth, and recommended to the people of these nations, that none may be suffered or permitted, by opprobrious words or writing, maliciously or contemptuously to revile or reproach the confession of faith to be agreed upon as aforesaid; and such who profess faith in God the Father, and in Jesus Christ His eternal Son, the true God, and in the Holy Spirit, God coequal with the Father and the Son, one God blessed for ever, and do acknowledge the Holy Scriptures of the Old and New Testament to be the revealed Will and Word of God, and shall in other things differ in doctrine, worship, or discipline from the public profession held forth, endeavours shall be used to convince them by sound doctrine and the example of a good conversation; but that they may not be compelled thereto by penalties, nor restrained from their profession, but protected from all injury and molestation in the profession of the faith and exercise of their religion, whilst they abuse not this liberty to the civil injury of others, or the disturbance of the public peace; so that this liberty be not extended to popery or prelacy, or to the countenancing such who publish horrible blasphemies or practise or hold forth licentiousness or profaneness under the profession of Christ; and that those ministers or public preachers who shall agree with the public profession aforesaid in matters of faith, although in their judgment and practice they differ in matters of worship and discipline, shall not only have protection in the way of their churches and worship respectively, but be esteemed fit

but, provided certain essentials specified be held, divergence in other matters to be permitted,

but with specified reservation.

Ministers and others allowed to differ in worship and discipline if they agree in doctrine.

and capable, notwithstanding such difference (being otherwise duly qualified and duly approved), of any trust, promotion, or employment whatsoever in these nations, that any ministers who agree in doctrine, worship, and discipline with the public profession aforesaid are capable of; and all others who agree with the public profession in matters of faith, although they differ in matters of worship and discipline as aforesaid, shall not only have protection as aforesaid, but be esteemed fit and capable, notwithstanding such difference (being otherwise duly qualified), of any civil trust, employment, or promotion in these nations: but for such persons who agree not in matters of faith with the public profession aforesaid, they shall not be capable of receiving the public maintenance appointed for the ministry. 1657.

Provided that this clause shall not be construed to extend to enable such ministers or public preachers or pastors of congregations; but that they be disenabled, and they are hereby disenabled, to hold any civil employment which those in orders were or are disenabled to hold, by an Act, entitled: 'An Act for disenabling all Persons in Holy Orders to exercise any temporal jurisdiction or authority.' Clerical disabilities are not, however, hereby repealed.

And that your highness will give your consent that all laws, statutes, ordinances, and clauses in any law, statute, and ordinance, so far as they are contrary to the aforesaid liberty, be repealed. Laws to the contrary to be repealed.

CXIV.

THE DECLARATION OF BREDA, A. D. 1660.

THE following declaration, dated by King Charles II at Breda April $\frac{4}{14}$, 1660, was read in the House of Lords, and then in the Commons on May 1. 1660.

[Transcr. *Journals of the House of Lords*, vol. xi. p. 7.]

Charles R.

Charles, by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c., to all All men are surely now at last

1660. desirous of peace, our loving subjects, of what degree or quality soever, greeting. If the general distraction and confusion which is spread over the whole kingdom doth not awaken all men to a desire and longing that those wounds which have so many years together been kept bleeding, may be bound up, all we can say will be to no purpose; however, after this long silence, we have thought it our duty to declare how much we desire to contribute thereunto; and that as we can never give over the hope, in good time, to obtain the possession of that right which God and nature hath made our due, so we do make it our daily suit to the Divine Providence, that He will, in compassion to us and our subjects after so long misery and sufferings, remit and put us into a quiet and peaceable possession of that our right, with as little blood and damage to our people as is possible; nor do we desire more to enjoy what is ours, than that all our subjects may enjoy what by law is theirs, by a full and entire administration of justice throughout the land, and by extending our mercy where it is wanted and deserved.

and the king, desiring to come to his own peaceably, and to ensure peace when he comes,

And to the end that the fear of punishment may not engage any, conscious to themselves of what is past, to a perseverance in guilt for the future, by opposing the quiet and happiness of their country, in the restoration both of king, peers, and people to their just, ancient, and fundamental rights, we do, by these presents, declare that we do grant a free and general pardon, which we are ready, upon demand, to pass under our great seal of England, to all our subjects, of what degree or quality soever, who, within forty days after the publishing hereof, shall lay hold upon this our grace and favour, and shall, by any public act, declare their doing so, and that they return to the loyalty and obedience of good subjects; excepting only such persons as shall hereafter be excepted by Parliament.

grants full pardon to all who claim it within forty days,

save such as Parliament shall except,

Those only excepted, let all our subjects, how faulty

soever, rely upon the word of a king, solemnly given by this present declaration, that no crime whatsoever, committed against us or our royal father before the publication of this, shall ever rise in judgment, or be brought in question, against any of them, to the least endamagement of them, either in their lives, liberties, or estates, or (as far forth as lies in our power) so much as to the prejudice of their reputations, by any reproach or term of distinction from the rest of our best subjects; we desiring and ordaining that henceforward all notes of discord, separation, and difference of parties be utterly abolished among all our subjects, whom we invite and conjure to a perfect union among themselves, under our protection, for the resettlement of our just rights and theirs in a free Parliament, by which, upon the word of a king, we will be advised.

1660.

and this no matter what crimes have been committed against the king,

whilst a free Parliament shall secure their rights to all men.

And because the passion and uncharitableness of the times have produced several opinions in religion, by which men are engaged in parties and animosities against each other (which, when they shall hereafter unite in a freedom of conversation, will be composed or better understood); we do declare a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matter of religion, which do not disturb the peace of the kingdom; and that we shall be ready to consent to such an Act of Parliament as, upon mature deliberation, shall be offered to us, for the full granting that indulgence.

Moreover liberty of conscience is granted in matters not affecting the peace of the kingdom, to be embodied in an Act of Parliament.

And because, in the continued distractions of so many years, and so many and great revolutions, many grants and purchases of estates have been made to and by many officers, soldiers and others, who are now possessed of the same, and who may be liable to actions at law upon several titles, we are likewise willing that all such differences, and all things relating to such grants, sales, and purchases, shall

All disputed property titles shall be determined in Parliament,

1660. be determined in Parliament, which can best provide for the just satisfaction of all men who are concerned.

and also the pay of Monk's soldiers.

And we do further declare that we will be ready to consent to any Act or Acts of Parliament to the purposes aforesaid, and for the full satisfaction of all arrears due to the officers and soldiers of the army under the command of General Monk; and that they shall be received into our service upon as good pay and conditions as they now enjoy.

Given under our sign manual and privy signet, at our Court at Breda, this $\frac{4}{14}$ day of April, 1660, in the twelfth year of our reign.

CXV.

ORDER FOR THE SAVOY CONFERENCE, A. D. 1661.

1661. The following document is given by Wilkins (iv. 570) on the authority of a manuscript 'penes Tho. Tanner, Episc. Assaven.' The conference was held in April, 1661.

A conference held by the king's order at the Savoy in London, between several bishops and clergymen of the Church of England and some Presbyterian ministers, about reviewing the liturgy.

In accordance with promise,

His majesty having promised in his declaration that the liturgy should be reviewed, in order to have it further accommodated to a general satisfaction, granted a commission to several persons of each persuasion for this purpose, the tenor of which is as follows: Charles II, by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c., to our trusty and well beloved, the most reverend father in God, Accepted, archbishop of York, the right reverend fathers in God, Gilbert, bishop of London, John, bishop of Durham,

the king issues a commission to certain persons specified, of both persuasions,

John, bishop of Rochester, Henry, bishop of Chichester, Humphrey, bishop of Sarum, George, bishop of Worcester, Robert, bishop of Lincoln, Benjamin, bishop of Peterborough, Bryan, bishop of Chester, Richard, bishop of Carlisle, John, bishop of Exeter, Edward, bishop of Norwich; and to our trusty and well beloved, the reverend Anthony Tuckney, doctor in divinity, John Conant, doctor in divinity, William Spurstow, doctor in divinity, John Wallis, doctor in divinity, Thomas Manton, doctor in divinity, Edmund Calamy, bachelor in divinity, Richard Baxter, clerk, Arthur Jackson, Thomas Case, Samuel Clerk, Matthew Newcomen, clerks; and to our trusty and well beloved, Doctor Earles, dean of Westminster, Peter Heylin, doctor in divinity, John Hackett, doctor in divinity, John Barwick, doctor in divinity, Peter Gunning, doctor in divinity, John Pearson, doctor in divinity, Thomas Pierce, doctor in divinity, Anthony Sparrow, doctor in divinity, Herbert Thorndike, bachelor in divinity, Thomas Horton, doctor in divinity, Thomas Jacombe, doctor in divinity, William Bate, John Rawlinson, clerks, William Cooper, clerk, Doctor John Lightfoot, Doctor John Collins, Doctor Benjamin Woodbridge, and William Drake, clerk, greeting. Whereas by our declaration of the 25th of October last, concerning ecclesiastical affairs, we did, amongst other things, express our esteem of the liturgy of the Church of England, contained in the Book of Common Prayer; and yet, since we find some exceptions made against several things therein, we did by our said declaration declare we would appoint an equal number of learned divines of both persuasions to review the same, and to make such alterations therein as should be thought most necessary, and some additional forms in the scripture phrase, as near as might be suited unto the nature of the several parts of worship; we therefore, in accomplishment of our said will and intent, and of our continued and constant care and

1661.

who shall review the Prayer Book.

1661. study for the peace and unity of the churches within our dominions, and for the removal of all exceptions and differences, and the occasions of such differences and exceptions from amongst our good subjects, for or concerning the said Book of Common Prayer, or anything therein contained, do by these our letters patent require, authorize, constitute, and appoint you the said Accepted, archbishop of York, Gilbert, bishop of London, John, bishop of Durham, John, bishop of Rochester, Henry, bishop of Chichester, Humphrey, bishop of Sarum, George, bishop of Worcester, Robert, bishop of Lincoln, Benjamin, bishop of Peterborough, Bryan, bishop of Chester, Richard, bishop of Carlisle, John, bishop of Exeter, Edward, bishop of Norwich, Anthony Tuckney, John Conant, William Spurstow, John Wallis, Thomas Manton, Edmund Calamy, Richard Baxter, Arthur Jackson, Thomas Case, Samuel Clerk, and Matthew Newcomen, to advise upon and review the said Book of Common Prayer, comparing the same with the most ancient liturgies which have been used in the Church in the primitive and purest times; and to that end to assemble and meet together, from time to time and at such times, within the space of four calendar months now next ensuing, and in the master's lodging in the Savoy in the Strand, in the county of Middlesex, or in such other place or places as to you shall be thought fit and convenient, to take into your serious and grave considerations the several directions and rules, forms of prayer, and things in the said Book of Common Prayer contained, and to advise and consult upon and about the same, and the several objections and exceptions which shall now be raised against the same. And if occasion be, to make such reasonable and necessary alterations, corrections, and amendments therein as by and between you the said archbishop, bishops, doctors, and persons hereby required and authorized to meet and advise as aforesaid shall be agreed

Wherefore the said divines are hereby appointed

to revise the Prayer Book on lines laid down,

place and time being fixed,

upon to be needful or expedient for the giving satisfaction to tender consciences and the restoring and continuance of peace and unity in the churches under our protection and government; but avoiding, as much as may be, all unnecessary abbreviations of the forms and liturgy, wherewith the people are already acquainted and have so long received in the Church of England. And our will and pleasure is, that when you the said archbishop, bishops, doctors, and persons authorized and appointed by these our letters patent to meet, advise, and consult upon and about the premises as aforesaid, shall have drawn your consultations to any resolution and determination which you shall agree upon as needful and expedient to be done for the altering, diminishing, or enlarging the said Book of Common Prayer, or any part thereof, that then you forthwith certify and present unto us in writing, under your several hands, the matters and things whereupon you shall so determine, for our approbation, and to the end the same, or so much thereof as shall be approved by us, may be established. And forasmuch as the said archbishop and bishops, having several great charges to attend, which we would not dispense with, or that the same should be neglected upon any great occasion whatsoever, and some of them, being of great age and infirmities, may not be able constantly to attend the execution of the service and authority thereby given and required by us in the meetings and consultations aforesaid; we will therefore, and do hereby require and authorize you, the said Doctor Earles, Peter Heylin, John Hackett, John Barwick, Peter Gunning, John Pearson, Thomas Pierce, Anthony Sparrow, and Herbert Thorndike, to supply the place or places of such of the said archbishop and bishops (other than the said Edward, bishop of Norwich) as shall by age, sickness, infirmity, or other occasion, be hindered from attending the said meetings or consultations; that is to say, that one of you, the said Doctor Earles, Peter Heylin, John

1661. and to make changes in the interests of peace,

which shall be reported to the king.

Substitutes are appointed for certain of the bishops in their absence,

1661. Hackett, John Barwick, Peter Gunning, John Pearson, Thomas Pierce, Anthony Sparrow, and Herbert Thorndike, shall from time to time supply the place of each one of them the said archbishop and bishops, other than the said Edward, bishop of Norwich, which shall happen to be hindered, or to be absent from the said meetings or consultations; and shall and may advise, consult, and determine, and also certify and execute all and singular the powers and authorities before mentioned, in and about the premises, as fully and absolutely as such archbishop or bishops, which shall so happen to be absent, should or might do by virtue of these our letters patent, or anything therein contained, in case he or they were personally present. And whereas in regard of the distance of some, the infirmity of others, the multitude of constant employments, and other incidental impediments, some of you, the said Edward, bishop of Norwich, Anthony Tuckney, John Conant, William Spurstow, John Wallis, Thomas Manton, Edmund Calamy, Richard Baxter, Arthur Jackson, Thomas Case, Samuel Clerk, and Matthew Newcomen, may be hindered from the constant attendance in the execution of the service aforesaid; we therefore will, and do hereby require and authorize you, the said Thomas Horton, Thomas Jacombe, William Bate, John Rawlinson, William Cooper, John Lightfoot, John Collins, Benjamin Woodbridge, and William Drake, to supply the place or places of such of the commissioners last above mentioned, as shall by the means aforesaid or any other occasion be hindered from the said meetings and consultations; that is to say, that one of you, the said Thomas Horton, Thomas Jacombe, William Bale, John Rawlinson, William Cooper, Doctor Lightfoot, Doctor Collins, Doctor Woodbridge, and William Drake shall from time to time supply the place of each one of the said commissioners last mentioned, which shall happen to be hindered or absent from the said meetings and consultations; and shall and

with equal powers,

and likewise for the Puritan side.

may advise, consult, and determine, and also certify and execute all and singular the powers and authorities before mentioned, in and about the premises, as fully and absolutely as such of the said last-mentioned commissioners, which shall so happen to be absent, should or might do, by virtue of these our letters patent, or anything therein contained, in case he or they were personally present. In witness whereof we have caused these our letters to be made patents. Witness ourself at Westminster the twenty-first day of March in the thirteenth year of our reign. *Per ipsum regem.* 1661.

The objections are delivered,

The commissioners appointed being met at the Bishop of London's lodgings in the Savoy, he acquainted the Presbyterian ministers that, the conference for making alterations in the liturgy being requested by themselves, nothing could be done till they had delivered their exceptions in writing, together with the additional forms and alterations which they desired. Hereupon a paper containing exceptions against several parts of the rubric, and the offices of Common Prayer, the use of the surplice, the sign of the cross, kneeling at the Lord's Supper, the religious observation of Lent and saints' days, and several other things of the like nature, enjoined in the liturgy, was laid before the bishops; in which they moved 'that the prayers and other materials of the liturgy might not be clogged with anything that was doubtful, or questioned among pious, learned, and orthodox men; and that those parts of it which impose any ceremonies, particularly the surplice, the sign of the cross, and kneeling, might be abrogated.'

and answers are given,

To these several objections and demands the Church commissioners returned distinct answers, and also made concessions, which the Presbyterians would not accept of. At the expiration of the commission it was mutually agreed that the report of the conference should be delivered to

1661. the king in writing, and that each party should give in this general account: 'That the Church's welfare, that unity and peace, and his majesty's satisfaction, were ends upon which they were all agreed; but as to the means, they could not come to any harmony.' And thus the conference ended without any accommodation.

but unanimity is not secured.

CXVI.

THE CORPORATION ACT, A. D. 1661.

13 CHARLES II, STAT. 2, CAP. 1.

1661. THIS Act received the royal assent in May, 1661. During the eighteenth century it had become more or less inoperative, and in 1787 Fox moved its repeal along with that of the Test Act (*post*, No. CXX); his motion, however, was defeated by 294 to 105. Both these Acts were repealed by Lord John Russell's Act of 1828.

[Transcr. Statutes of the Realm, v. p. 321.]

Reasons for and objects of this Act. Whereas questions are likely to arise concerning the validity of elections of magistrates, and other officers and members in corporations, as well in respect of removing some, as placing others, during the late troubles, contrary to the true intent and meaning of their charters and liberties; and to the end that the succession in such corporations may be most probably perpetuated in the hands of persons well affected to his majesty and the established government, it being too well known that, notwithstanding all his majesty's endeavours and unparalleled indulgence in pardoning all that is past, nevertheless many evil spirits are still working:

Commissions to issue for executing this Act in England, Wherefore for prevention of the like mischief for the time to come, and for preservation of the public peace both in Church and State, be it enacted by the king's most excellent majesty, by and with the advice and consent of the

Lords spiritual and temporal, and Commons, assembled in Parliament, and by the authority of the same, that commissions shall before the twentieth day of February next be issued forth under the great seal of England, unto such persons as his majesty shall appoint for the executing [of] the powers and authorities hereinafter expressed; and that all and every the persons to be named commissioners in the said commissions respectively, shall by virtue of this Act be commissioners respectively, for and within the several cities, corporations and boroughs, and Cinque ports and their members, and other port-towns within the kingdom of England, dominion of Wales, and town of Berwick-upon-Tweed, for which they shall be respectively nominated and appointed. 1661. Wales, and Berwick.

And be it further enacted by the authority aforesaid, that no charter of any corporation, cities, towns, boroughs, Cinque ports and their members, and other port-towns in England or Wales, or town of Berwick-upon-Tweed, shall at any time hereafter be avoided, for or by reason of any act or thing done, or omitted to be done, before the first day of this present Parliament. Corporation charters not to be avoided by reason of anything done or omitted.

And be it further enacted by the authority aforesaid, that all persons who upon the four-and-twentieth day of December, 1661, shall be mayors, aldermen, recorders, bailiffs, town-clerks, common council-men, and other persons then bearing any office or offices of magistracy, or places, or trusts, or other employment relating to or concerning the government of the said respective cities, corporations and boroughs, and Cinque ports and their members, and other port-towns, shall at any time before the five-and-twentieth day of March, 1663, when they shall be thereunto required by the said respective commissioners or any three or more of them, take the oaths of allegiance and supremacy, and this oath following: Mayors and other magistrates to take and subscribe to the oaths of allegiance and supremacy.

'I, *A. B.*, do declare and believe that it is not lawful,

1661. upon any pretence whatsoever, to take arms against the king; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him: so help me God.'

Form of the oath to be taken.

And also at the same time shall publicly subscribe, before the said commissioners or any three of them, this following declaration:

Form of the declaration to be subscribed.

'I, *A. B.*, do declare that I hold that there lies no obligation upon me or any other person, from the oath commonly called the Solemn League and Covenant; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of the kingdom.'

Those who refuse the oaths to be removed.

And that all such of the said mayors and other the persons aforesaid, by whom the said oaths are to be taken, and declaration subscribed as aforesaid, who shall refuse to take and subscribe the same within the time and in manner aforesaid, shall, from and immediately after such refusal, be by authority of this Act (*ipso facto*) removed and displaced of and from the said offices and places respectively; and the said offices and places, from and immediately after such refusal, shall be and are hereby declared and adjudged to be void to all intents and purposes, as if the said respective persons so refusing were naturally dead.

Power of removal of suspected persons, despite their willingness to take oaths, vested in the commissioners.

And nevertheless, be it further enacted by the authority aforesaid, that the said commissioners, or any five or more of them, shall have full power by virtue of this Act, by order and warrant under their hands and seals, to displace or remove any of the persons aforesaid from the said respective offices and places or trusts aforesaid, if the said commissioners, or the major part of them then present, shall deem it expedient for the public safety, although such persons shall have taken and subscribed, or be willing to take and subscribe, the said oaths and declaration.

And be it also enacted, that the said respective com-

missioners, or any five or more of them as aforesaid, shall have power to restore such person or persons as have been illegally or unduly removed, into the places out of which he or they were removed; and also to put and place into the offices and places which by any of the ways aforesaid shall be void respectively, some other person or persons then being or which have been members or inhabitants of the said respective cities, corporations and boroughs, and Cinque ports and their members, and other port-towns, who shall before the said respective commissioners, or any three or more of them, take the said oaths of obedience and supremacy, and the said other oath, and subscribe the declaration hereinbefore particularly mentioned; and that the said persons from and after the taking of the said oaths, and subscribing the said declaration, shall hold and enjoy, and be vested in, the said places and offices, as if they had been duly elected and chosen according to the charters and former usages of the said respective cities, corporations and boroughs, Cinque ports and their members, and other port-towns. 1661. Their power to restore any magistrate unduly removed.

And be it further enacted by the authority aforesaid, that the said respective commissioners, or any three or more of them respectively, shall have power, during the continuance of their respective commissions, to administer the oaths aforesaid, and tender the said declaration, to the said persons hereby required to take and subscribe the same; and from and after the expiration of the said respective commissions, the said three oaths and declaration shall be from time to time administered and tendered to such person and persons who, by the true meaning of this Act or any clause therein contained, are to take the same, by such person or persons respectively, who by the charters or usages of the said respective cities, corporations and boroughs, and Cinque ports and their members, and other port-towns, ought to administer the oath for due executing The commissioners empowered to administer the oaths. How these are to be administered after the termination of their commission.

1661. the said places or offices respectively; and in default of such, by two justices of the peace of the said cities, corporations and boroughs, and Cinque ports and their members, and other port-towns, for the time being, if any such there be, or otherwise by two justices of the peace for the time being, of the respective counties where the said cities, corporations or boroughs, or Cinque ports, or their members, or other port-towns are.

The commissioners to keep a record of the oaths administered, and give it to the town-clerk, &c.

And be it likewise enacted by the authority aforesaid, that the said commissioners, justices of the peace, and other persons hereby authorized to administer the said oaths and tender the said declaration respectively, shall cause memorandums or entries to be made of all oaths taken before them, and subscriptions made as aforesaid, and deliver the same once in a year to the respective town-clerks or other register or clerk of the said respective cities, corporations and boroughs, and Cinque ports and their members, and other port-towns, who shall cause the same to be fairly entered into the books or registers belonging to the said respective cities, corporations or boroughs, or Cinque ports and their members, or other port-towns.

None to be a magistrate unless he take the oaths and receive the Sacrament. Further provisions relating hereto.

Provided also, and be it enacted by the authority aforesaid, that from and after the expiration of the said commissions, no person or persons shall for ever hereafter be placed, elected, or chosen, in or to any the offices or places aforesaid, that shall not have, within one year next before such election or choice, taken the Sacrament of the Lord's Supper, according to the rites of the Church of England; and that every such person and persons so placed, elected, or chosen, shall likewise take the aforesaid three oaths, and subscribe the said declaration, at the same time when the oath for the due execution of the said places and offices respectively shall be administered; and in default hereof, every such placing, election, and choice is hereby enacted and declared to be void.

1661.

Provided always, and be it enacted, that every person who shall be placed in any corporation by virtue of this Act, shall upon his admission take the oath or oaths usually taken by the members of such corporation. The usual oath.

Provided also, and be it hereby enacted, that the powers granted to the commissioners by virtue of this Act, shall continue and be in force until the five-and-twentieth of March, 1663, and no longer. Duration of the commissioners' powers.

Provided that if any action, bill, plaint, or suit shall at any time hereafter happen to be brought or commenced against any person or persons nominated a commissioner as aforesaid, for any matter or thing by them or any of them done by virtue or in pursuance of this Act, that then it shall be lawful to and for every such person and persons against whom such action, bill, plaint, or suit shall be brought or commenced, to plead the general issue, and to give this Act or any other special matter in evidence; and if the verdict shall pass with the defendant or defendants in any such action, or the plaintiff or plaintiffs become nonsuit, or suffer any discontinuance thereof, that in every such case the judge or judges before whom the said matter shall be tried, or be depending, shall by force and virtue of this Act allow unto the defendant or defendants his or their treble costs, which he or they shall have sustained by reason of their wrongful vexation in defence of the said action or suit, for which the said defendant or defendants shall have like remedy as in other cases where costs by the laws of this realm are given to the defendants. Commissioners sued may plead the general issue and recover treble costs.

Provided always, and it is hereby declared, that this Act, or anything therein contained, shall not extend or be to the prejudice of any person or persons whatsoever, that hath any reversion or reversions of any of the offices or places belonging to the city of London, by force or virtue of any order, grant, designation, or nomination of Reversions of offices in the city of London saved.

1661. the lord mayor and court of aldermen of the said city heretofore respectively made or granted to him or them before the times of the late wars, for or in respect of such grant, designation, or nomination only; anything in this Act to the contrary notwithstanding.

CXVII.

THE UNIFORMITY ACT, A.D. 1662.

14 CHARLES II, CAP. 4.

1662. THIS, the last, Act of Uniformity received the royal assent May 19, 1662. For details of its history see Cardwell's *Prayer Book Conferences*, p. 378. It has been modified in various particulars by 28 & 29 Victoria, c. 122, the Clerical Subscription Act; by 34 & 35 Victoria, c. 26, the Universities Test Act; by 34 & 35 Victoria, c. 37, Table of Lessons Act; and by 35 & 36 Victoria, c. 35, Act of Uniformity Amendment Act. These Acts are set out, e. g., in *The Prayer Book interleaved*, pp. xix to xxviii, where a table is given of the repealing statutes and the various particulars in which they affect the following Uniformity Act.

[Transcr. Statutes of the Realm, v. p. 364.]

By Act 1 Elizabeth one uniform order of common prayer established.

Whereas in the first year of the late Queen Elizabeth, there was one uniform order of common service and prayer, and of the administration of sacraments, rites and ceremonies, in the Church of England (agreeable to the word of God and usage of the primitive Church), compiled by the reverend bishops and clergy, set forth in one book, entitled, The Book of Common Prayer and Administration of Sacraments, and other Rites and Ceremonies in the Church of England, and enjoined to be used by Act of Parliament, holden in the said first year of the said late queen, entitled, 'An Act for the uniformity of common prayer and service in the Church, and administration of the sacraments,' very comfortable to all good people desirous

to live in Christian conversation, and most profitable to the estate of this realm; upon the which the mercy, favour, and blessing of Almighty God is in no wise so readily and plentifully poured, as by common prayers, due using of the sacraments, and often preaching of the gospel, with devotion of the hearers; and yet this notwithstanding, a great number of people in divers parts of this realm, following their own sensuality, and living without knowledge and due fear of God, do wilfully and schismatically abstain and refuse to come to their parish churches, and other public places where common prayer, administration of the sacraments, and preaching of the word of God is used upon the Sundays and other days ordained and appointed to be kept and observed as holy days: and whereas by the great and scandalous neglect of ministers in using the said order or liturgy so set forth and enjoined as aforesaid, great mischiefs and inconveniences, during the times of the late unhappy troubles, have arisen and grown, and many people have been led into factions and schisms, to the great decay and scandal of the reformed religion of the Church of England, and to the hazard of many souls; [for prevention whereof in time to come, for settling the peace of the Church, and for allaying the present distempers which the indisposition of the time has contracted, the king's majesty, according to his declaration of the five-and-twentieth of October, 1660, granted his commission under the great seal of England to several bishops and other divines, to review the Book of Common Prayer, and to prepare such alterations and additions as they thought fit to offer: and afterwards the Convocations of both the provinces of Canterbury and York being by his majesty called and assembled, and now sitting, his majesty hath been pleased to authorize and require the presidents of the said Convocations, and other the bishops and clergy of the same, to review the said Book of Common

1662.

Divers persons abstain from coming to it.

Ministers neglect to use it.

To rectify this and settle the peace of the Church the king, according to his declaration of 1660, issued his commission of review of the Prayer Book.

Convocation, called by the king and now

1662. sitting, has been directed to perform this. The alterations and additions made, have been allowed by the king and recommended to Parliament.

Prayer, and the Book of the Form and Manner of the making and consecrating of Bishops, Priests, and Deacons: and that after mature consideration they should make such additions and alterations in the said books respectively, as to them should seem meet and convenient; and should exhibit and present the same to his majesty in writing for his further allowance or confirmation: since which time, upon full and mature deliberation, they the said presidents, bishops, and clergy of both provinces have accordingly reviewed the said books, and have made some alterations which they think fit to be inserted, to the same; and some additional prayers to the said Book of Common Prayer, to be used upon proper and emergent occasions; and have exhibited and presented the same unto his majesty in writing, in one book, entitled, The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches; and the Form and Manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons: all which his majesty having duly considered, hath fully approved and allowed the same, and recommended to this present Parliament that the said Books of Common Prayer, and of the Form of Ordination and Consecration of Bishops, Priests, and Deacons, with the alterations and additions which have been so made and presented to his majesty by the said Convocations, be the book which shall be appointed to be used by all that officiate in all cathedral and collegiate churches and chapels, and in all chapels of colleges and halls in both the Universities, and the colleges of Eton and Winchester, and in all parish churches and chapels within the kingdom of England, dominion of Wales, and town of Berwick-upon-Tweed, and by all that make or consecrate bishops, priests, or deacons, in any of the said places, under such sanctions

and penalties as the Houses of Parliament shall think fit[1].] 1662.

Now in regard that nothing conduces more to the settling of the peace of this nation (which is desired of all good men), nor to the honour of our religion, and the propagation thereof, than an universal agreement in the public worship of Almighty God; and to the intent that every person within this realm may certainly know the rule to which he is to conform in public worship, and administration of sacraments, and other rites and ceremonies of the Church of England, and the manner how and by whom bishops, priests, and deacons are and ought to be made, ordained, and consecrated; be it enacted by the king's most excellent majesty, by the advice and with the consent of the Lords spiritual and temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, that all and singular ministers in any cathedral, collegiate, or parish church or chapel, or other place of public worship within this realm of England, dominion of Wales, and town of Berwick-upon-Tweed, shall be bound to say and use the Morning Prayer, Evening Prayer, celebration and administration of both the sacraments, and all other the public and common prayer, in such order and form as is mentioned in the said book annexed and joined to this present Act, and entitled, The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England; together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches; and the Form or Manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons: and that the morning and evening prayers therein contained shall upon every Lord's day, and upon all other days and occasions and at the times therein

The peace and honour of religion advanced by uniform agreement in the public worship of God.

The Book of Common Prayer, as annexed to this Act, to be used throughout the realm.

[1] Annexed to the original Act in a separate schedule.

1662. appointed, be openly and solemnly read by all and every minister or curate, in every church, chapel, or other place of public worship, within this realm of England and places aforesaid.

The clergy to read and declare their assent to use the same.

And to the end that uniformity in the public worship of God (which is so much desired) may be speedily effected, be it further enacted by the authority aforesaid, that every parson, vicar, or other minister whatsoever, who now has and enjoys any ecclesiastical benefice or promotion within this realm of England or places aforesaid, shall in the church, chapel, or place of public worship belonging to his said benefice or promotion, upon some Lord's day before the feast of St. Bartholomew, which shall be in the year of our Lord God 1662, openly, publicly, and solemnly read the morning and evening prayer appointed to be read by and according to the said Book of Common Prayer at the times thereby appointed; and after such reading thereof, shall openly and publicly before the congregation there assembled declare his unfeigned assent and consent to the use of all things in the said book contained and prescribed, [in these words and no other:—

Form of assent.

'I, *A. B.*, do here declare my unfeigned assent and consent to all and everything contained and prescribed in and by the book entitled, The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England; together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches; and the Form or Manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons[1].']

Penalty for refusing.

And that all and every such person, who shall (without some lawful impediment to be allowed and approved of by the ordinary of the place) neglect or refuse to do the same within the time aforesaid (or in case of such impediment)

[1] Annexed to the original Act in a separate schedule.

within one month after such impediment removed, shall (*ipso facto*) be deprived of all his spiritual promotions; and that from thenceforth it shall be lawful to and for all patrons and donors of all and singular the said spiritual promotions or of any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead. 1662.

The like assent required from every person hereafter to be promoted to any ecclesiastical benefice.

And be it further enacted by the authority aforesaid, that every person who shall hereafter be presented or collated, or put into any ecclesiastical benefice or promotion within this realm of England and places aforesaid, shall in the church, chapel, or place of public worship belonging to his said benefice or promotion, within two months next after that he shall be in the actual possession of the said ecclesiastical benefice or promotion, upon some Lord's day, openly, publicly, and solemnly read the Morning and Evening Prayers appointed to be read by and according to the said Book of Common Prayer, at the times thereby appointed; and after such reading thereof shall openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things therein contained and prescribed according to the form before appointed; and that all and every such person, who shall (without some lawful impediment to be allowed and approved by the ordinary of the place) neglect or refuse to do the same within the time aforesaid (or in case of such impediment within one month after such impediment removed), shall (*ipso facto*) be deprived of all his said ecclesiastical benefices and promotions: and that from thenceforth it shall and may be lawful to and for all patrons and donors of all and singular the said ecclesiastical benefices and promotions or any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead.

Penalty for refusing.

1662. Incumbents of livings, keeping curates, shall personally read the same assent once every month.

And be it further enacted by the authority aforesaid, that in all places where the proper incumbent of any parsonage or vicarage, or benefice with cure, doth reside on his living and keep a curate, the incumbent himself in person (not having some lawful impediment to be allowed by the ordinary of the place) shall once (at the least) in every month, openly and publicly read the common prayers and service in and by the said book prescribed, and (if there be occasion) administer each of the sacraments and other rites of the Church, in the parish church or chapel, of or belonging to the same parsonage, vicarage, or benefice, in such order, manner, and form as in and by the said book is appointed; upon pain to forfeit the sum of five pounds to the use of the poor of the parish for every offence, upon conviction by confession or proof of two credible witnesses upon oath before two justices of the peace of the county, city, or town corporate where the offence shall be committed (which oath the said justices are hereby empowered to administer), and in default of payment within ten days, to be levied by distress and sale of the goods and chattels of the offender, by the warrant of the said justices, by the churchwardens, or overseers of the poor of the said parish, rendering the surplusage to the party.

The penalty and manner of conviction for not so doing.

Deans, canons, prebendaries, heads of colleges, schoolmasters, &c., shall subscribe the following declaration.

And be it further enacted by the authority aforesaid, that every dean, canon, and prebendary of every cathedral or collegiate church, and all masters and other heads, fellows, chaplains, and tutors of or in any college, hall, house of learning or hospital, and every public professor and reader in either of the Universities and in every college elsewhere, and every parson, vicar, curate, lecturer, and every other person in Holy Orders, and every schoolmaster keeping any public or private school, and every person instructing or teaching any youth in any house or private family as a tutor or schoolmaster, who upon the first day of May, which shall be in the year of our Lord God 1662, or at any time there-

after, shall be incumbent or have possession of any deanery, canonry, prebend, mastership, headship, fellowship, professor's place or reader's place, parsonage, vicarage, or any other ecclesiastical dignity or promotion, or of any curate's place, lecture, or school, or shall instruct or teach any youth as tutor or schoolmaster, shall before the feast-day of St. Bartholomew which shall be in the year of our Lord 1662, or at or before his or their respective admission to be incumbent or have possession aforesaid, subscribe the declaration or acknowledgment following, *scilicet*:— 1662.

'I, *A. B.*, do declare that it is not lawful, upon any pretence whatsoever, to take arms against the king; and that I do abhor that traitorous position of taking arms by his authority against his person or against those that are commissionated by him; and that I will conform to the liturgy of the Church of England, as it is now by law established: and I do declare that I do hold there lies no obligation upon me, or on any other person, from the oath commonly called the Solemn League and Covenant, to endeavour any change or alteration of government either in Church or State; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom.' The declaration.

Which said declaration and acknowledgment shall be subscribed by every of the said masters and other heads, fellows, chaplains, and tutors of or in any college, hall, or house of learning, and by every public professor and reader in either of the Universities, before the vice-chancellor of the respective Universities for the time being or his deputy: and the said declaration or acknowledgment shall be subscribed before the respective archbishop, bishop, or ordinary of the diocese, by every other person hereby enjoined to subscribe the same; upon pain that all and every of the persons aforesaid failing in such subscription shall lose and forfeit such respective deanery, canonry, prebend, The penalty for not subscribing.

1662. mastership, headship, fellowship, professor's place, reader's place, parsonage, vicarage, ecclesiastical dignity or promotion, curate's place, lecture, and school, and shall be utterly disabled and (*ipso facto*) deprived of the same: and that every such respective deanery, canonry, prebend, mastership, headship, fellowship, professor's place, reader's place, parsonage, vicarage, ecclesiastical dignity or promotion, curate's place, lecture, and school shall be void, as if such person so failing were naturally dead.

Teachers in private houses to obtain licences to teach from the archbishop, bishop, or ordinary, and subscribe and acknowledge as aforesaid, before teaching.

And if any schoolmaster, or other person, instructing or teaching youth in any private house or family as a tutor or schoolmaster, shall instruct or teach any youth as a tutor or schoolmaster, before licence obtained from his respective archbishop, bishop, or ordinary of the diocese, according to the laws and statutes of this realm (for which he shall pay twelve pence only), and before such subscription and acknowledgment made as aforesaid; then every such schoolmaster and other, instructing and teaching as aforesaid, shall for the first offence suffer three months' imprisonment without bail or mainprize; and for every second, and other such offence, shall suffer three months' imprisonment without bail or mainprize, and also forfeit to his majesty the sum of five pounds: and after such subscription made, every such parson, vicar, curate, and lecturer shall procure a certificate under the hand and seal of the respective archbishop, bishop, or ordinary of the diocese (who are hereby enjoined and required upon demand to make and deliver the same), and shall publicly and openly read the same, together with the declaration or acknowledgment aforesaid, upon some Lord's day within three months then next following, in his parish church where he is to officiate, in the presence of the congregation there assembled, in the time of divine service; upon pain that every person failing therein shall lose such parsonage, vicarage or benefice, curate's place, or lecturer's place respectively, and shall be

Penalties for neglect.

utterly disabled and (*ipso facto*) deprived of the same; and that the said parsonage, vicarage or benefice, curate's place, or lecturer's place shall be void, as if he was naturally dead. 1662.

Provided always, that from and after the twenty-fifth day of March, which shall be in the year of our Lord God 1682, there shall be omitted in the said declaration or acknowledgment so to be subscribed and read these words following, *scilicet*:— Omission from the declaration, after the 25th of March, 1682, of the reference to the Solemn League and Covenant.

'And I do declare that I do hold there lies no obligation on me, or any other person, from the oath commonly called the Solemn League and Covenant, to endeavour any change or alteration of government either in Church or State; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom.'

So as none of the persons aforesaid shall from thenceforth be at all obliged to subscribe or read that part of the said declaration or acknowledgment.

Provided always, and be it enacted, that from and after the feast of St. Bartholomew, which shall be in the year of our Lord 1662, no person who now is incumbent, and in possession of any parsonage, vicarage, or benefice, and who is not already in Holy Orders by episcopal ordination, or shall not before the said feast-day of St. Bartholomew be ordained priest or deacon according to the form of episcopal ordination, shall have, hold, or enjoy the said parsonage, vicarage, benefice with cure, or other ecclesiastical promotion within this kingdom of England or the dominion of Wales, or town of Berwick-upon-Tweed, but shall be utterly disabled and (*ipso facto*) deprived of the same, and all his ecclesiastical promotions shall be void, as if he was naturally dead. Persons not ordained priests or deacons, according to episcopal ordination, shall not hold any ecclesiastical benefice,

And be it further enacted by the authority aforesaid, that no person whatsoever shall thenceforth be capable to be nor consecrate or administer

1662. the holy Sacrament.

admitted to any parsonage, vicarage, benefice, or other ecclesiastical promotion or dignity whatsoever, nor shall presume to consecrate and administer the holy Sacrament of the Lord's Supper, before such time as he shall be ordained priest according to the form and manner in and by the said book prescribed, unless he have formerly been made priest by episcopal ordination; upon pain to forfeit for every offence the sum of one hundred pounds; one moiety thereof to the king's majesty; the other moiety thereof to be equally divided between the poor of the parish where the offence shall be committed, and such person or persons as shall sue for the same by action of debt, bill, plaint, or information, in any of his majesty's courts of record, wherein no essoin, protection, or wager of law shall be allowed, and to be disabled from taking or being admitted into the order of priest by the space of one whole year then next following.

The penalty.

Penalties not to extend to the foreign reformed churches.

Provided that the penalties in this Act shall not extend to the foreigners or aliens of the foreign reformed churches allowed or to be allowed by the king's majesty, his heirs and successors in England.

Proviso as to presentation by lapse or deprivation.

Provided always, that no title to confer or present by lapse shall accrue by any avoidance or deprivation (*ipso facto*) by virtue of this statute, but after six months after notice of such avoidance or deprivation given by the ordinary to the patron, or such sentence of deprivation openly and publicly read in the parish church of the benefice, parsonage, or vicarage becoming void, or whereof the incumbent shall be deprived by virtue of this Act.

No other form of common prayer to be openly used in any church or public place.

And be it further enacted by the authority aforesaid, that no form or order of common prayers, administration of sacraments, rites or ceremonies, shall be openly used in any church, chapel, or other public place of or in any college or hall in either of the Universities, the colleges of Westminster, Winchester, or Eton, or any of them, other

than what is prescribed and appointed to be used in and by the said book. And that the present governor or head of every college and hall in the said Universities, and of the said colleges of Westminster, Winchester, and Eton, within one month after the feast of St. Bartholomew, which shall be in the year of our Lord 1662, and every governor or head of any of the said colleges or halls hereafter to be elected or appointed, within one month next after his election or collation and admission into the same government or headship, shall openly and publicly in the church, chapel, or other public place of the same college or hall, and in the presence of the fellows and scholars of the same, or the greater part of them then resident, subscribe unto the nine-and-thirty Articles of Religion mentioned in the statute made in the thirteenth year of the reign of the late Queen Elizabeth, and unto the said book, and declare his unfeigned assent and consent unto, and approbation of, the said Articles, and of the same book, and to the use of all the prayers, rites and ceremonies, forms and orders in the said book prescribed and contained, according to the form aforesaid; and that all such governors or heads of the said colleges and halls, or any of them, as are or shall be in Holy Orders, shall once (at least) in every quarter of the year (not having a lawful impediment) openly and publicly read the Morning Prayer and service in and by the said book appointed to be read in the church, chapel, or other public place of the same college or hall; upon pain to lose and be suspended of and from all the benefits and profits belonging to the same government or headship, by the space of six months, by the visitor or visitors of the same college or hall; and if any governor or head of any college or hall, suspended for not subscribing unto the said Articles and book, or for not reading of the Morning Prayer and service as aforesaid, shall not, at or before the end of six months next after such suspension, subscribe unto the said

1662. Heads of colleges, &c., shall openly subscribe to the 39 Articles mentioned in the statute 13 Eliz. c. 13.

Such as are in Holy Orders to read common prayer quarterly.

Penalties for omitting.

1662. Articles and book, and declare his consent thereunto as aforesaid, or read the Morning Prayer and service as aforesaid, then such government or headship shall be (*ipso facto*) void.

The service may be used in Latin in certain colleges and in Convocation.

Provided always, that it shall and may be lawful to use the Morning and Evening Prayer, and all other prayers and service prescribed in and by the said book, in the chapels or other public places of the respective colleges and halls in both the Universities, in the colleges of Westminster, Winchester, and Eton, and in the Convocations of the clergies of either province, in Latin; anything in this Act contained to the contrary notwithstanding.

Lecturers only to preach when licensed.

And be it further enacted by the authority aforesaid, that no person shall be or be received as a lecturer, or permitted, suffered, or allowed to preach as a lecturer, or to preach or read any sermon or lecture in any church, chapel, or other place of public worship, within this realm of England or the dominion of Wales, and town of Berwick upon Tweed, unless he be first approved, and thereunto licensed by the archbishop of the province or bishop of the diocese, or (in case the see be void) by the guardian of the spiritualties, under his seal, and shall in the presence of the same archbishop or bishop, or guardian, read the nine-and-thirty Articles of Religion mentioned in the statute of the thirteenth year of the late Queen Elizabeth, with declaration of his unfeigned assent to the same; and that every person and persons who now is, or hereafter shall be licensed, assigned, and appointed, or received as a lecturer, to preach upon any day of the week in any church, chapel, or place of public worship within this realm of England or places aforesaid, the first time he preaches (before his sermon) shall openly, publicly, and solemnly read the common prayers and service in and by the said book appointed to be read for that time of the day, and then and there publicly and openly declare his assent unto, and appro-

Such licensed lecturer to read common prayer, and assent to the same, &c., before his first sermon,

bation of, the said book, and to the use of all the prayers, rites and ceremonies, forms and orders therein contained and prescribed, according to the form before appointed in this Act; and also shall upon the first lecture-day of every month afterwards, so long as he continues lecturer or preacher there, at the place appointed for his said lecture or sermon, before his said lecture or sermon, openly, publicly, and solemnly read the common prayers and service in and by the said book appointed to be read for that time of the day at which the said lecture or sermon is to be preached, and after such reading thereof shall openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent unto, and approbation of, the said book, and to the use of all the prayers, rites and ceremonies, forms and orders therein contained and prescribed, according to the form aforesaid; and that all and every such person and persons who shall neglect or refuse to do the same, shall from thenceforth be disabled to preach the said or any other lecture or sermon in the said or any other church, chapel, or place of public worship, until such time as he and they shall openly, publicly, and solemnly read the common prayers and service appointed by the said book, and conform in all points to the things therein appointed and prescribed, according to the purport, true intent, and meaning of this Act. 1662. and do so on every lecture-day of each month. Penalty for refusing.

Provided always, that if the said sermon or lecture be to be preached or read in any cathedral or collegiate church or chapel, it shall be sufficient for the said lecturer, openly at the time aforesaid, to declare his assent and consent to all things contained in the said book, according to the form aforesaid. Proviso for lectures in cathedral or collegiate churches.

And be it further enacted by the authority aforesaid, that if any person who is by this Act disabled to preach any lecture or sermon, shall during the time that he shall continue and remain so disabled, preach any sermon or lecture; Penalty for preaching by disabled persons.

1662. that then for every such offence, the person and persons so offending shall suffer three months' imprisonment in the common gaol, without bail or mainprize; and that any two justices of the peace of any county of this kingdom and places aforesaid, and the mayor or other chief magistrate of any city or town corporate within the same, upon certificate from the ordinary of the place made to him or them of the offence committed, shall and are hereby required to commit the person or persons so offending, to the gaol of the same county, city, or town corporate accordingly.

Common prayer to be read before every lecture, and the lecturer to be present.

Provided always, and be it further enacted by the authority aforesaid, that at all and every time and times when any sermon or lecture is to be preached, the common prayers and service in and by the said book appointed to be read for that time of the day shall be openly, publicly, and solemnly read by some priest or deacon, in the church, chapel, or place of public worship where the said sermon or lecture is to be preached, before such sermon or lecture be preached, and that the lecturer then to preach shall be present at the reading thereof.

Proviso for sermons and lectures in the two Universities.

Provided nevertheless, that this Act shall not extend to the University churches in the Universities of this realm, or either of them, when or at such times as any sermon or lecture is preached or read in the said churches, or any of them, for or as the public University sermon or lecture; but that the same sermons and lectures may be preached or read in such sort and manner as the same have been heretofore preached or read; this Act, or anything herein contained, to the contrary thereof in any wise notwithstanding.

Laws and statutes, formerly made for uniformity of common prayer,

And be it further enacted by the authority aforesaid, that the several good laws and statutes of this realm, which have been formerly made, and are now in force, for the uniformity of prayer and administration of the sacraments, within this realm of England and places aforesaid, shall stand in full

force and strength, to all intents and purposes whatsoever, for the establishing and confirming of the said book, entitled, The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England; together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches, and the Form or Manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons, hereinbefore mentioned to be joined and annexed to this Act; and shall be applied, practised, and put in ure for the punishing of all offences contrary to the said laws, with relation to the book aforesaid, and no other. 1662. confirmed, and to be executed for punishing offenders.

Provided always, and be it further enacted by the authority aforesaid, that in all those prayers, litanies, and collects which do any way relate to the king, queen, or royal progeny, the names be altered and changed from time to time, and fitted to the present occasion, according to the direction of lawful authority. Litanies and collects relating to the royal family to be altered from time to time, as circumstances require.

Provided also, and be it enacted by the authority aforesaid, that a true printed copy of the said book, entitled, The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches, and the Form and Manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons, shall at the costs and charges of the parishioners of every parish church and chapelry, cathedral church, college, and hall be attained and gotten before the feast-day of Saint Bartholomew in the year of our Lord 1662; upon pain of forfeiture of three pounds by the month for so long time as they shall then after be unprovided thereof, by every parish or chapelry, cathedral church, college, and hall making default therein. True printed copies of the Book of Common Prayer to be provided in all parish churches, &c., at the cost of the parishioners. Penalty for neglect.

1662.

Bishops of Welsh bishoprics to have prepared a translation of the Book of Common Prayer into Welsh.

Provided always, and be it enacted by the authority aforesaid, that the bishops of Hereford, St. David's, Asaph, Bangor, and Llandaff, and their successors, shall take such order among themselves, for the souls' health of the flocks committed to their charge within Wales, that the book hereunto annexed be truly and exactly translated into the British or Welsh tongue; and that the same so translated, and being by them, or any three of them at the least, viewed, perused, and allowed, be imprinted to such number at least, so that one of the said books so translated and imprinted may be had for every cathedral, collegiate, and parish church, and chapel of ease, in the said respective dioceses and places in Wales, where the Welsh is commonly spoken or used, before the first day of May, 1665; and that from and after the imprinting and publishing of the said book so translated, the whole divine service shall be used and said by the ministers and curates throughout all Wales within the said dioceses where the Welsh tongue is commonly used, in the British or Welsh tongue, in such manner and form as is prescribed according to the book hereunto annexed to be used in the English tongue, differing nothing in any order or form from the said English book; for which book, so translated and imprinted, the churchwardens of every the said parishes shall pay out of the parish money in their hands for the use of the respective churches, and be allowed the same on their account; and that the said bishops and their successors, or any three of them at the least, shall set and appoint the price for which the said book shall be sold: and one other Book of Common Prayer in the English tongue shall be bought and had in every church throughout Wales, in which the Book of Common Prayer in Welsh is to be had by force of this Act, before the first day of May, 1664, and the same book to remain in such convenient places within the said churches, that such as understand them may resort at all convenient times to

One, at least, of such translations to be in every church or chapel in Wales, where Welsh is commonly spoken, before May 1, 1665.

After that date, the whole service to be said in Welsh.

Churchwardens to provide such translations out of parish funds.

Welsh bishops to appoint the price of such translations.

A copy of the Book of Common Prayer, in

read and peruse the same, and also such as do not understand the said language may, by conferring both tongues together, the sooner attain to the knowledge of the English tongue; anything in this Act to the contrary notwithstanding: and until printed copies of the said book so to be translated may be had and provided, the form of common prayer established by Parliament before the making of this Act shall be used as formerly in such parts of Wales where the English tongue is not commonly understood. 1662. English, also to be in every church where the same book in Welsh is kept, for comparison, to encourage knowledge of English.

And to the end that the true and perfect copies of this Act, and the said book hereunto annexed, may be safely kept and perpetually preserved, and for the avoiding of all disputes for the time to come, be it therefore enacted by the authority aforesaid, that the respective deans and chapters of every cathedral or collegiate church within England and Wales shall at their proper costs and charges, before the twenty-fifth day of December, 1662, obtain under the great seal of England a true and perfect printed copy of this Act, and of the said book annexed hereunto, to be by the said deans and chapters, and their successors, kept and preserved in safety for ever, and to be also produced and showed forth in any court of record, as often as they shall be thereunto lawfully required; and also there shall be delivered true and perfect copies of this Act and of the same book, into the respective courts at Westminster, and into the Tower of London, to be kept and preserved for ever among the records of the said courts, and the records of the Tower, to be also produced and showed forth in any court, as need shall require; which said books so to be exemplified under the great seal of England, shall be examined by such persons as the king's majesty shall appoint, under the great seal of England, for that purpose, and shall be compared with the original book hereunto annexed, and shall have power to correct and amend in Arrangement till printed copies of Prayer Book in Welsh are provided. By whom, where, and how true and perfect copies, under seal, of this Act, and of the Book of Common Prayer annexed, are to be had and kept.

1662. writing any error committed by the printer in the printing of the same book, or of anything therein contained, and shall certify in writing under their hands and seals, or the hands and seals of any three of them, at the end of the same book, that they have examined and compared the same book, and find it to be a true and perfect copy; which said books, and every one of them, so exemplified under the great seal of England as aforesaid, shall be deemed, taken, adjudged, and expounded to be good and available in the law, to all intents and purposes whatsoever, and shall be accounted as good records as this book itself hereunto annexed; any law or custom to the contrary in any wise notwithstanding.

Proviso for the King's professor of law at Oxford.

Provided also, that this Act, or anything therein contained, shall not be prejudicial or hurtful unto the king's professor of the law within the University of Oxford, for or concerning the prebend of Shipton within the cathedral church of Sarum, united and annexed unto the place of the same king's professor for the time being by the late King James of blessed memory.

Proviso concerning the 36th Article of 1562.

Provided always, that whereas the six-and-thirtieth Article of the nine-and-thirty Articles agreed upon by the archbishops and bishops of both provinces, and the whole clergy, in the Convocation holden at London in the year of our Lord 1562, for the avoiding of diversities of opinions, and for establishing of consent touching true religion, is in these words following, viz.:

'That the Book of Consecration of Archbishops and Bishops, and Ordaining of Priests and Deacons, lately set forth in the time of King Edward VI, and confirmed at the same time by authority of Parliament, doth contain all things necessary to such consecration and ordaining, neither hath it anything that of itself is superstitious and ungodly: and therefore whosoever are consecrated or ordered according to the rites of that book, since the second year of the

aforenamed King Edward unto this time, or hereafter shall be consecrated or ordered according to the same rites, we decree all such to be rightly, orderly, and lawfully consecrated and ordered'—it be enacted, and be it therefore enacted by the authority aforesaid, that all subscriptions hereafter to be had or made unto the said Articles by any deacon, priest, or ecclesiastical person, or other person whatsoever, who by this Act, or any other law now in force, is required to subscribe unto the said Articles, shall be construed, and be taken to extend, and shall be applied (for and touching the said six-and-thirtieth Article) unto the book containing the Form and Manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons, in this Act mentioned, in such sort and manner as the same did heretofore extend unto the book set forth in the time of King Edward VI, mentioned in the said six-and-thirtieth Article; anything in the said Article, or in any statute, Act, or canon heretofore had or made, to the contrary thereof in any wise notwithstanding. 1662.

The Common Prayer used by authority of Parliament, 1 Eliz. c. 2, 8 Eliz. c. 1, to be used until St. Bartholomew's day, 1662.

Provided also, that the Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of this Church of England, together with the Form and Manner of ordaining and consecrating Bishops, Priests, and Deacons, heretofore in use, and respectively established by Act of Parliament in the first and eighth years of Queen Elizabeth, shall be still used and observed in the Church of England, until the feast of St. Bartholomew, which shall be in the year of our Lord God 1662.

CXVIII.

THE FIVE MILE ACT, 1665.

17 CHARLES II, CAP. 2.

1665. THE Five Mile Act, the last of the so-called Clarendon Code, was passed in the Oxford Parliament, October 30, 1665. Some of its provisions were altered by subsequent Acts, and the Act was practically repealed by part of the Toleration Act (*post*, No. CXXIII, p. 658) and 52 George III, c. 155, sec. 1.

[Transcr. Statutes of the Realm, v. p. 575.]

Divers in Holy Orders have not declared concurrence with rites and ceremonies directed in Act of Uniformity.

Whereas divers parsons, vicars, curates, lecturers, and other persons in Holy Orders, have not declared their unfeigned assent and consent to the use of all things contained and prescribed in the Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England, or have not subscribed the declaration or acknowledgment contained in a certain Act of Parliament made in the fourteenth year of his majesty's reign, and entitled 'An Act for the uniformity of public prayers and administration of Sacraments and other rites and ceremonies, and for the establishing the form of making, ordaining, and consecrating of bishops, priests, and deacons in the Church of England,' according to the said Act or any other subsequent Act; and whereas they or some of them, and divers other person and persons not ordained according to the form of the Church of England, and as have since the Act of Oblivion taken upon them to preach in unlawful assemblies, conventicles, or meetings, under colour or pretence of exercise of religion, contrary to the laws and statutes of this kingdom, have settled themselves in divers corporations in England, sometimes three or more of them in a place, thereby taking an opportunity to distil the

These and others not ordained have, since Act of Oblivion, preached and settled themselves in corporations.

poisonous principles of schism and rebellion into the hearts of his majesty's subjects, to the great danger of the Church and kingdom: 1665.

Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that the said parsons, vicars, curates, lecturers, and other persons in Holy Orders, or pretended Holy Orders, or pretending to Holy Orders, and all stipendiaries and other persons who have been possessed of any ecclesiastical or spiritual promotion, and every of them, who have not declared their unfeigned assent and consent as aforesaid, and subscribed the declaration aforesaid, and shall not take and subscribe the oath following: Such persons (unless they take the following oath), restrained from so inhabiting within corporations after March 20, 1665,

'I, *A. B.*, do swear that it is not lawful upon any pretence whatsoever to take arms against the king; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissionated by him in pursuance of such commissions; and that I will not at any time endeavour any alteration of government, either in Church or State.'

And all such person and persons as shall take upon them to preach in any unlawful assembly, conventicle, or meeting, under colour or pretence of any exercise of religion, contrary to the laws and statutes of this kingdom, shall not at any time, from and after the four-and-twentieth day of March which shall be in this present year of our Lord God, 1665, unless only in passing upon the road, come or be within five miles of any city or town corporate, or borough that sends burgesses to the Parliament, within his majesty's kingdom of England, principality of Wales, or of the town of Berwick-upon-Tweed, or within five miles of any parish, town, or place wherein he or they have since the Act of Oblivion been parson, vicar, curate, stipendiary, or lecturer, or taken upon or within five miles of the parish,

1665. them to preach in any unlawful assembly, conventicle, or meeting, under colour or pretence of any exercise of religion, contrary to the laws and statutes of this kingdom, before he or they have taken and subscribed the oath aforesaid, before the justices of peace at their quarter sessions to be holden for the county, riding, or division next unto the said corporation, city or borough, parish, place or town, in open court (which said oath the said justices are hereby empowered there to administer); upon forfeiture of (*sic*) every such offence the sum of forty pounds of lawful English money, the one third part thereof to his majesty and his successors, the other third part to the use of the poor of the parish where the offence shall be committed, and the other third part thereof to such person or persons as shall or will sue for the same by action of debt, plaint, bill, or information, in any court of record at Westminster, or before any justices of assize, *oyer* and *terminer*, or gaol delivery, or before any justices of the counties palatine of Chester, Lancaster, or Durham, or the justices of the great sessions in Wales, or before any justices of peace in their quarter sessions, wherein no essoin, protection, or wager of law shall be allowed.

town, or place where they have exercised any religious office contrary to law.

The penalty.

No person so restrained, unless taking the oath aforesaid and frequenting divine service, to keep any school.

Provided always, and be it further enacted by the authority aforesaid, that it shall not be lawful for any person or persons restrained from coming to any city, town corporate, borough, parish, town, or place as aforesaid, or for any other person or persons as shall not first take and subscribe the said oath, and as shall not frequent divine service established by the laws of this kingdom, and carry him or her self reverently, decently, and orderly there, to teach any public or private school, or take any boarders or tablers that are taught or instructed by him or her self, or any other, upon pain for every such offence to forfeit the sum of forty pounds, to be recovered and distributed as aforesaid. Provided also, and be it further enacted by the authority

Penalty.

aforesaid, that it shall be lawful for any two justices of the peace of the respective county, upon oath to them of any offence against this Act, which oath they are hereby empowered to administer, to commit the offender for six months without bail or mainprize, unless upon or before such commitment he shall, before the said justices of the peace, swear and subscribe the aforesaid oath and declaration. 1665.

Provided always, that if any person intended to be restrained by virtue of this Act shall without fraud or covin be served with any writ, *subpœna*, warrant, or other process, whereby his personal appearance is required, his obedience to such writ, *subpœna*, or process shall not be construed an offence against this Act. Proviso for restricted persons whose presence in proscribed places is required by law.

CXIX.

THE SECOND CONVENTICLE ACT, A.D. 1670.

22 CHARLES II, CAP. 1.

A CONVENTICLE Act was passed in 1664 (16 Charles II, cap. 4) to remain in force for three years; in 1670 the following Act was passed, slightly modifying the provisions of its predecessor. It was repealed by the Toleration Act of 1689 (*post*, No. CXXIII). 1670.

[Transcr. Statutes of the Realm, v. p. 648.]

For providing further and more speedy remedies against the growing and dangerous practices of seditious sectaries and other disloyal persons, who, under pretence of tender consciences, have or may at their meetings contrive insurrections (as late experience has shown), be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by authority of the same, that if any person of the age of sixteen years or upwards, being a subject of this realm, at any time Objects of this Act.

1670. after the tenth day of May next shall be present at any assembly, conventicle, or meeting, under colour or pretence of any exercise of religion, in other manner than according to the liturgy and practice of the Church of England, in any place within the kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, at which conventicle, meeting, or assembly there shall be five persons or more assembled together, over and besides those of the same household, if it be in a house where there is a family inhabiting, or if it be in a house, field, or place where there is no family inhabiting, then where any five persons or more are so assembled as aforesaid, it shall and may be lawful to and for any one or more justices of the peace of the county, limit, division, corporation, or liberty wherein the offence aforesaid shall be committed, or for the chief magistrate of the place where such offence aforesaid shall be committed, and he and they are hereby required and enjoined, upon proof to him or them respectively made of such offence, either by confession of the party or oath of two witnesses (which oath the said justice and justices of the peace, and chief magistrate respectively, are hereby empowered and required to administer), or by notorious evidence and circumstance of the fact, to make a record of every such offence under his or their hands and seals respectively: which record so made as aforesaid shall, to all intents and purposes, be in law taken and adjudged to be a full and perfect conviction of every such offender for such offence; and thereupon the said justice, justices, and chief magistrate respectively shall impose, on every such offender, so convicted as aforesaid, a fine of five shillings for such first offence; which record and conviction shall be certified by the said justice, justices, or chief magistrate, at the next quarter sessions of the peace for the county or place where the offence was committed.

Persons above the age of 16, present at a conventicle, after May 10, 1670, guilty of offence.

Definition of a conventicle.

Method of conviction.

The penalty for the first offence.

And be it further enacted by the authority aforesaid,

that if such offender so convicted as aforesaid shall, at any time, again commit the like offence or offences contrary to this Act, and be thereof, in manner aforesaid, convicted, then such offender so convicted of such like offence or offences shall for every such offence incur the penalty of ten shillings; which fine and fines for the first and every other offence shall be levied by distress and sale of the offender's goods and chattels, or, in case of the poverty of such offender, upon the goods and chattels of any other person or persons who shall be then convicted in manner aforesaid of the like offence at the same conventicle, at the discretion of the said justice, justices, or chief magistrate respectively, so as the sum to be levied on any one person, in case of the poverty of other offenders, amount not, in the whole, to above the sum of ten pounds, upon occasion of any one meeting as aforesaid: and every constable, headborough, tithingman, churchwardens and overseers of the poor respectively, are hereby authorized and required to levy the same accordingly, having first received a warrant under the hands and seals of the said justice, justices, or chief magistrate respectively so to do; the said moneys, so to be levied, to be forthwith delivered to the same justice, justices, or chief magistrate, and by him or them to be distributed, the one third part [thereof to the use of the king's majesty, his heirs and successors, to be paid to the high sheriff of the county for the time being in manner following; that is to say, the justice or justices of peace shall pay the same into the court of the respective quarter sessions, which said court shall deliver the same to the sheriff, and make a memorial on record of the payment and delivery thereof, which said memorial shall be a sufficient and final discharge to the said justice and justices, and a charge to the sheriff, which said discharge and charge shall be certified into the exchequer together, and not one without the other: and no justice shall or may be

1670.

The penalty for the second offence.

The penalties, how to be levied.

Constables, &c., to levy the same, and pay them to the justice.

The penalties are to be divided between the king, the poor of the parish where the offence is committed, and the informer or person through whose instrumentality the conviction is obtained.

1670. questioned or accountable for the same in the exchequer, or elsewhere than in quarter sessions: another third part thereof[1]] to and for the use of the poor of the parish where such offence shall be committed, and the other third part thereof to the informer and informers, and to such person and persons as the said justice, justices, or chief magistrate respectively shall appoint, having regard to their diligence and industry in the discovery, dispersing, and punishing of the said conventicles.

The penalty for preaching or teaching in a conventicle: to be levied on the preacher, if known, or upon his hearers if he is unknown.

And be it further enacted by the authority aforesaid, that every person who shall take upon him to preach or teach in any such meeting, assembly, or conventicle, and shall thereof be convicted as aforesaid, shall forfeit for every such first offence the sum of twenty pounds, to be levied in manner aforesaid upon his goods and chattels; and if the said preacher or teacher so convicted be a stranger, and his name and habitation not known, or is fled and cannot be found, or in the judgment of the justice, justices, or chief magistrate, before whom he shall be convicted, shall be thought unable to pay the same, the said justice, justices, or chief magistrate respectively are hereby empowered and required to levy the same, by warrant as aforesaid, upon the goods and chattels of any such persons who shall be present at the same conventicle; anything in this or any other Act, law, or statute to the contrary notwithstanding; and the money so levied to be disposed of in manner aforesaid: and if such offender so convicted as aforesaid shall at any time again commit the like offence or offences, contrary to this Act, and be thereof convicted in manner aforesaid, then such offender so convicted of such like offence or offences shall for every such offence incur the penalty of forty pounds, to be levied and disposed as aforesaid.

The money so levied to be disposed of in the manner prescribed. Increased penalty for repeating offence.

The forfeiture of

And be it further enacted by the authority aforesaid, that every person who shall wittingly and willingly suffer

[1] Annexed to the original in a separate schedule.

any such conventicle, meeting, or unlawful assembly aforesaid to be held in his or her house, outhouse, barn, yard, or backside, and be convicted thereof in manner aforesaid, shall forfeit the sum of twenty pounds, to be levied in manner aforesaid upon his or her goods and chattels, or, in case of his or her poverty or inability as aforesaid, upon the goods and chattels of such persons who shall be convicted, in manner aforesaid, of being present at the same conventicle; and the money so levied to be disposed of in manner aforesaid. 1670. such as suffer conventicles in their houses. How to be levied—on those present if the householder is unable to pay.

[Provided always, and be it enacted by the authority aforesaid, that no person shall, by any clause of this Act, be liable to pay above ten pounds for any one meeting, in regard of the poverty of any other person or persons. But no one liable for more than 10*l.* in respect of one meeting.

Provided also, and be it further enacted, that in all cases of this Act, where the penalty or sum charged upon any offender exceeds the sum of ten shillings, and such offender shall find himself aggrieved, it shall and may be lawful for him, within one week after the said penalty or money charged shall be paid or levied, to appeal in writing from the person or persons convicting, to the judgment of the justices of the peace in their next quarter sessions; to whom the justice or justices of peace, chief magistrate, or alderman, that first convicted such offender, shall return the money levied upon the appellant, and shall certify under his and their hands and seals the evidence upon which the conviction passed, with the whole record thereof and the said appeal: whereupon such offender may plead and make defence, and have his trial by a jury thereupon: and in case such appellant shall not prosecute with effect, or if, upon such trial, he shall not be acquitted or judgment pass not for him upon his said appeal, the said justices at the sessions shall give treble costs against such offender for his unjust appeal: and no other court whatsoever shall intermeddle with any cause or causes of appeal upon this Appeals allowed in cases where the penalty exceeds 10*s.* To whom, and in what cases.

1670. Act, but they shall be finally determined in the quarter sessions only.

Appellants to enter into recognizances to prosecute appeals.

Provided always, and be it further enacted, that upon the delivery of such appeal as aforesaid, the person or persons appellant shall enter before the person or persons convicting, into a recognizance, to prosecute the said appeal with effect: which said recognizance the person or persons convicting is hereby empowered to take, and required to certify the same to the next quarter sessions: and in case no such recognizance be entered into, the said appeal to be null and void.

Provided always, that every such appeal shall be left with the person or persons so convicting as aforesaid, at the time of the making thereof[1].]

Justices of peace, or those authorized by them, may, upon refusal of admission, break open doors of suspected conventicles and arrest those assembled.

And be it further enacted by the authority aforesaid, that the justice, justices of the peace, and chief magistrate respectively, or the respective constables, headboroughs, and tithingmen, by warrant from the said justice, justices, or chief magistrate respectively, shall and may, with what aid, force, and assistance they shall think fit, for the better execution of this Act, after refusal or denial to enter, break open and enter into any house or other place where they shall be informed any such conventicle as aforesaid is or shall be held, as well within liberties as without, and take into their custody the persons there unlawfully assembled, to the intent they may be proceeded against according to this Act; and that the lieutenants or deputy-lieutenants, or any commissionated officer of the militia, or other of his majesty's forces, with such troops or companies of horse and foot, and also the sheriffs, and other magistrates and ministers of justice, or any of them, jointly or severally, within any the counties or places within this kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, with such other assistance as they shall think meet,

Power to disperse conventiclers

[1] Annexed to the original in a separate schedule.

or can get in readiness with the soonest, on certificate made to them respectively under the hand and seal of any one justice of the peace or chief magistrate, of his particular information or knowledge of such unlawful meeting or conventicle held or to be held in their respective counties or places, and that he, with such assistance as he can get together, is not able to suppress and dissolve the same, shall and may, and are hereby required and enjoined to repair unto the place where they are so held or to be held, and, by the best means they can, to dissolve, dissipate, or prevent all such unlawful meetings, and take into their custody such and so many of the said persons so unlawfully assembled as they shall think fit, to the intent they may be proceeded against according to this Act. 1670. either with horse or foot.

Provided always, that no dwelling-house of any peer of this realm, where he or his wife shall be then resident, shall be searched by virtue of this Act, but by immediate warrant from his majesty, under his sign manual, or in the presence of the lieutenant, or one deputy-lieutenant, or two justices of the peace, whereof one to be of the quorum of the same county or riding. Houses of peers of the realm only to be searched by the king's direct warrant.

And be it further enacted by the authority aforesaid, that if any constable, headborough, tithingman, churchwarden, or overseer of the poor, who shall know or be credibly informed of any such meetings or conventicles held within his precincts, parish, or limits, and shall not give information thereof to some justice of the peace or the chief magistrate, and endeavour the conviction of the parties according to his duty, but such constable, headborough, tithingman, churchwarden, overseers of the poor, or any person lawfully called in aid of the constable, headborough, or tithingman, shall wilfully and wittingly omit the performance of his duty in the execution of this Act, and be thereof convicted, in manner aforesaid, he shall forfeit for every such offence the sum of five pounds, to be levied upon his goods The penalty for not duly performing this Act.

1670. and chattels, and disposed in manner aforesaid: and that if any justice of the peace or chief magistrate shall wilfully and wittingly omit the performance of his duty in the execution of this Act, he shall forfeit the sum of one hundred pounds; the one moiety to the use of his majesty, the other moiety to the use of the informer; to be recovered by action, suit, bill, or plaint, in any of his majesty's courts at Westminster, wherein no essoin, protection, or wager of law shall lie.

All persons indemnified that put this Act in execution.

And be it further enacted by the authority aforesaid, that if any person be at any time sued for putting in execution any of the powers contained in this Act, otherwise than upon appeal allowed by this Act, such person shall and may plead the general issue, and give the special matter in evidence; and if the plaintiff be nonsuited, or a verdict pass for the defendant, or if the plaintiff discontinue his action, or if, upon demurrer, judgment be given for the defendant, every such defendant shall have his full treble costs.

This Act to be interpreted most beneficially for suppressing conventicles.

And be it further enacted by the authority aforesaid, that this Act, and all clauses therein contained, shall be construed most largely and beneficially for the suppressing of conventicles, and for the justification and encouragement of all persons to be employed in the execution thereof; and that no record, warrant, or *mittimus* to be made by virtue of this Act or any proceedings thereupon, shall be reversed, avoided, or any way impeached by reason of any default in form. And in case any person offending against this Act shall be an inhabitant in any other county or corporation, or fly into any other county or corporation after the offence committed, the justice of the peace or chief magistrate before whom he shall be convicted as aforesaid shall certify the same, under his hand and seal, to any justice of peace or chief magistrate of such other county or corporation wherein the said person or persons are inhabitants or are fled into; which said justice or chief magistrate

respectively is hereby authorized and required to levy the penalty or penalties in this Act mentioned, upon the goods and chattels of such person or persons, as fully as the said other justice of peace might have done, in case he or they had been inhabitants in the place where the offence was committed. 1670.

Offenders to be prosecuted within three months after the offence.

Provided also, that no person shall be punished for any offence against this Act, unless such offender be prosecuted for the same within three months after the offence committed; and that no person who shall be punished for any offence by virtue of this Act, shall be punished for the same offence by virtue of any other Act or law whatsoever.

Aldermen within London to have the same power there as justices of peace.

Provided, and be it further enacted by the authority aforesaid, that every alderman of London for the time being, within the city of London and the liberties thereof, shall have (and they and every of them are hereby empowered and required to execute) the same power and authority within London and the liberties thereof, for the examining, convicting, and punishing of all offences within this Act committed within London and the liberties thereof, which any justice of peace has by this Act in any county of England, and shall be subject to the same penalties and punishments, for not doing that which by this Act is directed to be done by any justice of peace in any county of England.

Feme covert.

Provided, and be it enacted by the authority aforesaid, that if the person offending and convicted as aforesaid be a *feme covert*, cohabiting with her husband, the penalties of five shillings and ten shillings, so as aforesaid incurred, shall be levied by warrant, as aforesaid, upon the goods and chattels of the husband of such *feme covert*.

No peer of the realm to be attached or imprisoned under this Act.

Provided also, that no peer of this realm shall be attached or imprisoned by virtue or force of this Act; any thing, matter, or clause therein, to the contrary, notwithstanding.

1670. Proviso for the king's supremacy in ecclesiastical affairs.

Provided also, that neither this Act, nor anything therein contained, shall extend to invalidate or avoid his majesty's supremacy in ecclesiastical affairs; but that his majesty and his heirs and successors may from time to time, and at all times hereafter, exercise and enjoy all powers and authorities in ecclesiastical affairs, as fully and as amply as himself or any of his predecessors have or might have done the same; anything in this Act notwithstanding.

CXX.

THE TEST ACT, A.D. 1673.

25 CHAS. II. CAP. 2.

1673. THIS Act was passed in 1673, and remained in force until 1828. See the introduction to the Corporation Act (*ante*, CXVI).

[Transcr. Statutes of the Realm, v, p. 782.]

Objects of the Act.

For preventing dangers which may happen from popish recusants, and quieting the minds of his majesty's good subjects, be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by authority of the same, that all and every person or persons, as well peers as commoners, that shall bear any office or offices, civil or military, or shall receive any pay, salary, fee, or wages by reason of any patent or grant from his majesty, or shall have command or place of trust from or under his majesty, or from any of his majesty's predecessors, or by his or their authority, or by authority derived from him or them, within the realm of England, dominion of Wales, or town of Berwick-upon-Tweed, or in his majesty's navy, or in the several islands of Jersey and Guernsey, or shall be of the household or in the service or employment of his majesty, or

All persons that bear any offices or places of trust under his majesty or the Duke of York, residing within London or Westminster, or within thirty miles

of his royal highness the Duke of York, who shall inhabit, reside, or be within the city of London or Westminster, or within thirty miles distant from the same, on the first day of Easter term, that shall be in the year of our Lord 1673, or at any time during the said term, all and every the said person and persons shall personally appear before the end of the said term, or of Trinity term next following, in his majesty's High Court of Chancery, or in his majesty's Court of King's Bench, and there in public and open court, between the hours of nine of the clock and twelve in the forenoon, take the several oaths of supremacy and allegiance—which oath of allegiance is contained in a statute made in the third year of King James—by law established; and during the time of the taking thereof by the said person and persons, all pleas and proceedings in the said respective courts shall cease: and that all and every of the said respective persons and officers, not having taken the said oaths in the said respective courts aforesaid, shall on or before the first day of August, 1673, at the quarter sessions for that county or place where he or they shall be, inhabit, or reside on the twentieth day of May, take the said oaths in open court between the said hours of nine and twelve of the clock in the forenoon; and the said respective officers aforesaid shall also receive the sacrament of the Lord's Supper, according to the usage of the Church of England, at or before the first day of August in the year of our Lord 1673, in some parish church, upon some Lord's day, commonly called Sunday, immediately after divine service and sermon.

1673. thereof, must take the oaths of allegiance and supremacy,

and receive the Sacrament according to the usage of the Church of England.

And be it further enacted by the authority aforesaid, that all and every person or persons that shall be admitted, entered, placed, or taken into any office or offices, civil or military, or shall receive any pay, salary, fee, or wages by reason of any patent or grant of his majesty, or shall have command or place of trust from or under his majesty, his

The same for those to be appointed.

1673. heirs or successors, or by his or their authority or by authority derived from him or them, within this realm of England, dominion of Wales, or town of Berwick-upon-Tweed, or in his majesty's navy, or in the several islands of Jersey and Guernsey, or that shall be admitted into any service or employment in his majesty's or royal highness's household or family, after the first day of Easter term aforesaid, and shall inhabit, be, or reside, when he or they is or are so admitted or placed, within the cities of London or Westminster, or within thirty miles of the same, shall take the said oaths aforesaid in the said respective court or courts aforesaid, in the next term after such his or their admittance or admittances into the office or offices, employment or employments aforesaid, between the hours aforesaid, and no other, and the proceedings to cease as aforesaid; and that all and every such person or persons to be admitted after the said first day of Easter term as aforesaid, not having taken the said oaths in the said courts aforesaid, shall at the quarter sessions for that county or place where he or they shall reside, next after such his admittance or admittances into any of the said respective offices or employments aforesaid, take the said several and respective oaths as aforesaid: and all and every such person and persons so to be admitted as aforesaid shall also receive the Sacrament of the Lord's Supper, according to the usage of the Church of England, within three months after his or their admittances in or receiving their said authority and employment, in some public church, upon some Lord's day, commonly called Sunday, immediately after divine service and sermon.

A certificate to be delivered into court, of their receiving the Sacrament.

And every of the said persons in the respective court where he takes the said oaths shall first deliver a certificate of such his receiving the said Sacrament as aforesaid, under the hands of the respective minister and churchwarden, and shall then make proof of the truth thereof by two

credible witnesses at the least, upon oath; all which shall be inquired of, and put upon record in the respective courts. 1673.

Whosoever shall refuse to take the oaths shall be adjudged incapable of any other office.

And be it further enacted by the authority aforesaid, that all and every the person or persons aforesaid, that do or shall neglect or refuse to take the said oaths and Sacrament in the said courts and places, and at the respective times aforesaid, shall be *ipso facto* adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy, or enjoy the said office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them or any of them; and every such office and place, employment and employments shall be void, and is hereby adjudged void.

No person shall execute any office after refusal to take the oaths.

And be it further enacted, that all and every such person or persons that shall neglect or refuse to take the said oaths or the Sacrament as aforesaid, within the times and in the places aforesaid, and in the manner aforesaid, and yet after such neglect and refusal shall execute any of the said offices or employments after the said times expired, wherein he or they ought to have taken the same, and being thereupon lawfully convicted, in or upon any information, presentment, or indictment, in any of the king's courts at Westminster, or at the assizes, every such person and persons shall be disabled from thenceforth to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to bear any office within this realm of England, dominion of Wales, or town of Berwick-upon-Tweed; and shall forfeit the sum of five hundred pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by any action of debt, suit, bill, plaint, or information, in any of his majesty's

The penalty for refusal—incapability of prosecuting suits or of being guardian to any child, or executor, &c.; The forfeiture with fine.

1673. courts at Westminster, wherein no essoin, protection, or wager of law shall lie.

The registration of the names of persons taking the oaths.

And be it further enacted by the authority aforesaid, that the names of all and singular such persons and officers aforesaid, that do or shall take the oaths aforesaid, shall be, in the respective courts of Chancery and King's Bench and the quarter sessions, enrolled, with the day and time of their taking the same, in rolls made and kept only for that intent and purpose, and for no other; the which rolls, as for the Court of Chancery, shall be publicly hung up in the office of the petty-bag, and the roll for the King's Bench in the Crown Office of the said court, and in some public place in every quarter sessions, and there remain during the whole term, every term, and during the whole time of the said sessions, in every quarter sessions, for every one to resort to and look upon without fee or reward; and likewise none of the person or persons aforesaid shall give or pay as any fee or reward to any officer or officers belonging to any of the courts as aforesaid, above the sum of twelvepence for his or their entry of his or their taking of the said oaths aforesaid.

The fees allowed.

Upon due tender made to the courts, they are to administer the oaths.

And further, that it shall and may be lawful to and for the respective courts aforesaid, to give and administer the said oaths aforesaid to the person or persons aforesaid, in manner as aforesaid; and upon the due tender of any such person or persons to take the said oaths, the said courts are hereby required and enjoined to administer the same.

No person, 'not bred up in the popish religion' by his parents, shall breed up or suffer his children to be bred up in

And be it further enacted, that if any person or persons, not bred up by his or their parent or parents from their infancy in the popish religion, and professing themselves to be popish recusants, shall breed up, instruct, or educate his or their child or children, or suffer them to be instructed or educated in the popish religion, every such person, being thereof convicted, shall be from thenceforth disabled of bearing any office or place of trust or profit in Church or

State; and all such children as shall be so brought up, instructed, or educated, are and shall be hereby disabled of bearing any such office or place of trust or profit, until he and they shall be perfectly reconciled and converted to the Church of England, and shall take the oaths of supremacy and allegiance aforesaid before the justices of the peace in the open quarter sessions of the county or place where they shall inhabit, and thereupon receive the Sacrament of the Lord's Supper after the usage of the Church of England, and obtain a certificate thereof under the hands of two or more of the said justices of the peace. 1673. that religion. The penalty.

And be it further enacted by the authority aforesaid, that at the same time when the persons concerned in this Act shall take the aforesaid oaths of supremacy and allegiance, they shall likewise make and subscribe this declaration following, under the same penalties and forfeitures as by this Act is appointed: On the taking of the oaths, to subscribe the declaration following.

'I, *A. B.*, do declare that I do believe that there is not any transubstantiation in the Sacrament of the Lord's Supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever.'

Of which subscription there shall be the like register kept, as of the taking the oaths aforesaid. A register to be kept of the subscription.

Provided always, that neither this Act, nor anything therein contained, shall extend, be judged, or interpreted any ways to hurt or prejudice the peerage of any peer of this realm, or to take away any right, power, privilege, or profit which any person (being a peer of this realm) has or ought to enjoy by reason of his peerage, either in time of Parliament or otherwise, or to take away creation-money or bills of impost, nor to take away or make void any pension or salary granted by his majesty to any person for valuable and sufficient consideration for life, lives, or years, other than such as relate to any office, or to any place of trust under his majesty, and other than pensions of bounty This Act not to extend to peerage, or creation-money, impost, pensions, &c.;

1673. or voluntary pensions; nor to take away or make void any estate of inheritance granted by his majesty, or any his predecessors, to any person or persons of or in any lands, rents, tithes, or hereditaments, not being offices; nor to take away or make void any pension or salary already granted by his majesty to any person who was instrumental in the happy preservation of his sacred majesty after the battle at Worcester in the year 1651, until his majesty's arrival beyond the seas; nor to take away or make void the grant of any office or offices of inheritance, or any fee, salary, or reward for executing such office or offices, or thereto any way belonging, granted by his majesty, or any his predecessors, to, or enjoyed, or which hereafter shall be enjoyed, by any person or person who shall refuse or neglect to take the said oaths, or either of them, or to receive the Sacrament, or to subscribe the declaration mentioned in this Act, in manner therein expressed. Nevertheless so as such person or persons having or enjoying any such office or offices of inheritance, do or shall substitute and appoint his or their sufficient deputy or deputies (which such officer or officers respectively are hereby empowered from time to time to make or change, any former law or usage to the contrary notwithstanding) to exercise the said office or offices, until such time as the person or persons having such office or offices shall voluntarily in the Court of Chancery, before the lord chancellor or lord keeper for the time being, or in the Court of King's Bench, take the said oaths, and receive the Sacrament according to law, and subscribe the said declaration, and so as all and every the deputy and deputies, so as aforesaid to be appointed, take the said oaths, receive the Sacrament, and subscribe the said declaration from time to time, as they shall happen to be so appointed, in manner as by this Act such officers, whose deputies they be, are appointed to do; and so as such deputies be from time to time

or offices of inheritance;

or to make void any pension granted to any person instrumental in preserving the king at Worcester.

This Act not to extend to holders of offices of inheritance who refuse or neglect the said oaths; they must however appoint deputies, who will take the oaths, &c.,

and subscribe.

approved of by the king's majesty under his privy signet: but that all and every the peers of this realm shall have, hold, and enjoy what is provided for as aforesaid, and all and every other person or persons before mentioned, denoted or intended within this proviso, shall have, hold, and enjoy what is provided for as aforesaid, notwithstanding any incapacity or disability mentioned in this Act. 1673.

Provided also, that the said peers and every of them may take the said oaths, and make the said subscription, and deliver the said certificates, before the peers sitting in Parliament, if the Parliament be sitting, within the time limited for doing thereof, and, in the intervals of Parliament, in the High Court of Chancery, in which respective courts all the said proceedings are to be recorded in manner aforesaid. Peers may take the oaths, &c., in Parliament.

Provided always, that no married woman, or person under the age of eighteen years, or being beyond or upon the seas, or found by the lawful oaths of twelve men to be *non compos mentis*, and so being and remaining at the end of Trinity term in the year of our Lord 1673, having any office, shall by virtue of this Act lose or forfeit any such his or her office (other than such married woman during the life of her husband only) for any neglect or refusal of taking the oaths, and doing the other things required by this Act to be done by persons having offices, so as such respective persons within four months after the death of the husband, coming to the age of eighteen years, returning into this kingdom, and becoming of sound mind, shall respectively take the said oaths, and perform all other things in manner as by this Act is appointed for persons to do, who shall happen to have any office or offices to them given or fallen after the end of the said Trinity term. A saving for married women, persons under 18, and those found to be *non compos mentis*.

Provided also, that any person who by his or her neglect or refusal, according to this Act, shall lose or forfeit any office, may be capable, by a new grant, of the said office, Those forfeiting office by neglect or

1673. refusal of oaths, &c., capable of restoration on taking same.

or of any other, and to have and hold the same again, such person taking the said oaths, and doing all other things required by this Act, so as such office be not granted to, and actually enjoyed by, some other person at the time of the regranting thereof.

This Act not to extend to non-commissioned officers in the navy, if they subscribe the declaration.

Provided also, that nothing in this Act contained shall extend to make any forfeiture, disability, or incapacity in, by, or upon any non-commissioned officer or officers in his majesty's navy, if such officer or officers shall only subscribe the declaration therein required, in manner as the same is directed.

Saving for the pensions granted to the Earl and Countess of Bristol.

Provided also, that nothing in this Act contained shall extend to prejudice George, earl of Bristol, or Anne, countess of Bristol, his wife, in the pension or pensions granted to them by patent, under the great seal of England, bearing date the sixteenth day of July in the year of our Lord 1669, being in lieu of a just debt due to the said earl from his majesty, particularly expressed in the said patent.

This Act not to extend to constables, tithingmen, churchwardens, &c., or private officers.

Provided also, that this Act, or anything therein contained, shall not extend to the office of any high constable, petty constable, tithingman, headborough, overseer of the poor, churchwardens, surveyor of the highways, or any like inferior civil office, or to any office of forester, or keeper of any park, chace, warren, or game, or of bailiff of any manor or lands, or to any like private offices, or to any person or persons having only any the before-mentioned or any the like offices.

CXXI.

THE DECLARATION OF INDULGENCE, 1687.

THIS proclamation was issued by James II in April, 1687. It was republished, in almost identical terms, in April, 1688, with an order to the bishops that they should bid the clergy read it after service on Sundays, May 20 and 27, in London, and in the country on June 3 and 10. 1687.

[Transcr. Patent Roll, 3 James II, part 3, No. 18.]

His Majesty's gracious declaration to all his loving subjects for liberty of conscience.

It having pleased Almighty God not only to bring us to the imperial crown of these kingdoms through the greatest difficulties, but to preserve us by a more than ordinary providence upon the throne of our royal ancestors, there is nothing now that we so earnestly desire as to establish our government on such a foundation as may make our subjects happy, and unite them to us by inclination as well as duty. Which we think can be done by no means so effectually as by granting to them the free exercise of their religion for the time to come, and add that to the perfect enjoyment of their property, which has never been in any case invaded by us since our coming to the crown. Which being the two things men value most, shall ever be preserved in these kingdoms, during our reign over them, as the truest methods of their peace and our glory. We cannot but heartily wish, as it will easily be believed, that all the people of our dominions were members of the Catholic Church; yet we humbly thank Almighty God, it is and has of long time been our constant sense and opinion (which upon divers occasions we have declared) that conscience ought not to be constrained nor people forced in matters of mere religion: it has ever been directly contrary to our inclination, as we think it is to the interest of govern-

The king, in gratitude to God, desires to ensure the good government of his people, which will be secured by granting religious toleration, added to personal security, and, although he would have all to be Roman Catholics, he respects

1687. ment, which it destroys by spoiling trade, depopulating countries, and discouraging strangers, and finally, that it never obtained the end for which it was employed. And in this we are the more confirmed by the reflections we have made upon the conduct of the four last reigns. For after all the frequent and pressing endeavours that were used in each of them to reduce this kingdom to an exact conformity in religion, it is visible the success has not answered the design, and that the difficulty is invincible.

the rights of conscience; is confirmed in this by the recent history of compulsory uniformity.

We therefore, out of our princely care and affection unto all our loving subjects, that they may live at ease and quiet, and for the increase of trade and encouragement of strangers, have thought fit by virtue of our royal prerogative to issue forth this our declaration of indulgence, making no doubt of the concurrence of our two Houses of Parliament when we shall think it convenient for them to meet.

Hence this indulgence is published by the king's prerogative.

In the first place, we do declare that we will protect and maintain our archbishops, bishops, and clergy, and all other our subjects of the Church of England in the free exercise of their religion as by law established, and in the quiet and full enjoyment of all their possessions, without any molestation or disturbance whatsoever.

1. The religion and faith of the Church of England are protected.

We do likewise declare, that it is our royal will and pleasure that from henceforth the execution of all and all manner of penal laws in matters ecclesiastical, for not coming to church, or not receiving the Sacrament, or for any other nonconformity to the religion established, or for or by reason of the exercise of religion in any manner whatsoever, be immediately suspended; and the further execution of the said penal laws and every of them is hereby suspended.

2. The penal laws are suspended.

And to the end that by the liberty hereby granted the peace and security of our government in the practice thereof may not be endangered, we have thought fit, and do hereby straitly charge and command all our loving subjects, that—as we do freely give them leave to meet

3. Private worship is allowed without prejudice to the king, under

and serve God after their own way and manner, be it in private houses or places purposely hired or built for that use, so that they take especial care that nothing be preached or taught amongst them, which may any way tend to alienate the hearts of our people from us or our government, and that their meetings and assemblies be peaceably, openly, and publicly held, and all persons freely admitted to them, and that they do signify and make known to some one or more of the next justices of the peace what place or places they set apart for those uses, and that all our subjects may enjoy such their religious assemblies with greater assurance and protection—we have thought it requisite, and do hereby command, that no disturbance of any kind be made or given unto them, under pain of our displeasure, and to be further proceeded against with the utmost severity. 1687. restrictions. 4. Religious worship is not to be disturbed under penalty.

And forasmuch as we are desirous to have the benefit of the service of all our loving subjects, which by the law of nature is inseparably annexed to and inherent in our royal person, and that none of our subjects may for the future be under any discouragement or disability (who are otherwise well inclined and fit to serve us) by reason of some oaths or tests that have been usually administered on such occasions, we do hereby further declare, that it is our royal will and pleasure that the oaths commonly called 'The oaths of supremacy and allegiance,' and also the several tests and declarations mentioned in the Acts of Parliament made in the five-and-twentieth and thirtieth years of the reign of our late royal brother, King Charles II, shall not at any time hereafter be required to be taken, declared, or subscribed by any person or persons whatsoever, who is or shall be employed in any office or place of trust, either civil or military, under us or in our government. And we do further declare it to be our pleasure and intention from time to time hereafter, to grant our royal dispensations 5. Tests are abolished.

1687. under our great seal to all our loving subjects so to be employed, who shall not take the said oaths, or subscribe or declare the said tests or declarations in the above-mentioned Acts and every of them.

6. All religious disabilities and punishments are remitted.

And to the end that all our loving subjects may receive and enjoy the full benefit and advantage of our gracious indulgence hereby intended, and may be acquitted and discharged from all pains, penalties, forfeitures, and disabilities by them or any of them incurred or forfeited, or which they shall or may at any time hereafter be liable to, for or by reason of their nonconformity, or the exercise of their religion, and from all suits, troubles, or disturbances for the same; we do hereby give our free and ample pardon unto all nonconformists, recusants, and other our loving subjects, for all crimes and things by them committed or done contrary to the penal laws, formerly made relating to religion, and the profession or exercise thereof; hereby declaring that this our royal pardon and indemnity shall be as good and effectual to all intents and purposes, as if every individual person had been therein particularly named, or had particular pardons under our great seal, which we do likewise declare shall from time to time be granted unto any person or persons desiring the same: willing and requiring our judges, justices, and other officers to take notice of and obey our royal will and pleasure hereinbefore declared.

7. All property is confirmed to the owners.

And although the freedom and assurance we have hereby given in relation to religion and property might be sufficient to remove from the minds of our loving subjects all fears and jealousies in relation to either, yet we have thought fit further to declare that we will maintain them in all their properties and possessions, as well of church and abbey lands, as in any other their lands and properties whatsoever. Given at our court at Whitehall the fourth day of April, 1687, in the third year of our reign.

CXXII.

THE BILL OF RIGHTS, A.D. 1689.

1 WILLIAM AND MARY, SESS. 2, CAP. 2.

1689.

A DECLARATION of Rights was drawn up by a committee of the Convention Parliament in February, 1689, and was read before William and Mary on the 13th of that month. It was confirmed with certain additions by the regular Parliament in December of the same year. It has been modified in certain details by 6 George IV, cap. 50, sec. 62, and the Statute Law Revision Act of 1867.

[Transcr. Statutes of the Realm, vi. p. 142.]

Recital of the declaration of Parliament.

Whereas the Lords spiritual and temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon the thirteenth day of February, in the year of our Lord 1688, present unto their majesties, then called and known by the names and style of William and Mary, prince and princess of Orange, being present in their proper persons, a certain declaration in writing, made by the said Lords and Commons, in the words following, viz.:

Charges against James II,

Whereas the late King James II, by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom.

of exercising dispensing power,

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament.

committing prelates,

2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power.

issuing an ecclesiastical commission,

3. By issuing and causing to be executed a commission under the great seal for erecting a court called the Court of Commissioners for Ecclesiastical Causes.

1689.

levying money,

4. By levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by Parliament.

keeping standing army,

5. By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law.

disarming Protestants,

6. By causing several good subjects, being Protestants, to be disarmed, at the same time when papists were both armed and employed, contrary to law.

violating elections,

7. By violating the freedom of election of members to serve in Parliament.

wrongful prosecutions,

8. By prosecutions in the Court of King's Bench, for matters and causes cognizable only in Parliament; and by divers other arbitrary and illegal courses.

summoning illegal juries,

9. And whereas of late years partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.

demanding excessive bail,

10. And excessive bail has been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

levying excessive fines and punishments, and granting fines, &c.

11. And excessive fines have been imposed, and illegal and cruel punishments inflicted.

12. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons, upon whom the same were to be levied—

All contrary to law.

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm:

Abdication of James II, and calling of Parliament by William III.

And whereas the said late King James II having abdicated the government, and the throne being thereby vacant, his highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords spiritual and temporal, and divers principal persons of the Commons) cause letters to be

written to the Lords spiritual and temporal, being Protestants; and other letters to the several counties, cities, Universities, boroughs, and Cinque ports, for the choosing of such persons to represent them, as were of right to be sent to Parliament, to meet and sit at Westminster upon the two-and-twentieth day of January, in this year 1688, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted: upon which letters, elections have been accordingly made: 1689.

Parliament, being assembled, vindicates the subjects' rights, and declares illegal —

And thereupon the said Lords spiritual and temporal, and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done), for the vindicating and asserting their ancient rights and liberties, declare:

the dispensing power;

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

the late dispensing;

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it has been assumed and exercised of late, is illegal.

ecclesiastical courts;

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious.

levying money;

4. That levying money for or to the use of the crown, by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal.

refusal of right to petition,

5. That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.

1689.

and maintenance of a standing army.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.

Declaration that subjects may bear arms;

7. That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law.

of the freedom of election, and of speech;

8. That election of members of Parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

that excessive bail should not be required, and that juries be duly summoned;

10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly empanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

that grants of forfeitures are illegal;

12. That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

that Parliaments should be frequently held.

13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

Demand of Parliament.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings, or proceedings to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence, that his said highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from

the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties, 1689.

The said Lords spiritual and temporal, and Commons, assembled at Westminster, do resolve that William and Mary, prince and princess of Orange, be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said prince and princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in and executed by the said Prince of Orange, in the names of the said prince and princess, during their joint lives; and after their deceases, the said crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said princess; and for default of such issue to the Princess Anne of Denmark, and the heirs of her body; and for default of such issue to the heirs of the body of the said Prince of Orange. And the Lords spiritual and temporal, and Commons, do pray the said prince and princess to accept the same accordingly. Tender of the crown

And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated. New oaths of allegiance, &c.—

'I, *A. B.*, do sincerely promise and swear that I will be faithful and bear true allegiance to their majesties King William and Queen Mary. So help me God.' Allegiance.

'I, *A. B.*, do swear that I do from my heart abhor, detest, and abjure as impious and heretical, this damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, Supremacy.

1689. prelate, state, or potentate has, or ought to have any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm. So help me God.'

Acceptance of the crown. Upon which their said majesties did accept the crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

The two Houses to sit. And thereupon their majesties were pleased that the said Lords spiritual and temporal, and Commons, being the two Houses of Parliament, should continue to sit, and with their majesties' royal concurrence make effectual provision for the settlement of the religion, laws, and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted; to which the said Lords spiritual and temporal, and Commons, did agree and proceed to act accordingly.

Subjects' liberties to be allowed. Now in pursuance of the premises, the said Lords spiritual and temporal, and Commons, in Parliament assembled, for the ratifying, confirming, and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of Parliament, do pray that it may be declared and enacted that all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve their majesties and their successors according to the same in all times to come.

William and Mary declared And the said Lords spiritual and temporal, and Commons, seriously considering how it hath pleased Almighty

God, in His marvellous providence and merciful goodness to this nation, to provide and preserve their said majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto Him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly, and in the sincerity of their hearts think, and do hereby recognize, acknowledge, and declare, that King James II having abdicated the government, and their majesties having accepted the crown and royal dignity as aforesaid, their said majesties did become, were, are, and of right ought to be, by the laws of this realm, our sovereign liege lord and lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal state, crown, and dignity of the said realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions, and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united and annexed. 1689. king and queen.

And for preventing all questions and divisions in this realm, by reason of any pretended titles to the crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation does, under God, wholly consist and depend, the said Lords spiritual and temporal, and Commons, do beseech their majesties that it may be enacted, established, and declared that the crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said majesties, and the survivor of them, during their lives, and the life of the survivor of them: and that the entire, perfect, and full exercise of the regal power and government be only in and executed by his majesty, in the names of both their majesties during their Limitation of the crown.

1689. joint lives; and after their deceases the said crown and premises shall be and remain to the heirs of the body of her majesty; and for default of such issue, to her royal highness the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of his said majesty: and thereunto the said Lords spiritual and temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities for ever; and do faithfully promise that they will stand to, maintain, and defend their said majesties, and also the limitation and succession of the crown herein specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever, that shall attempt anything to the contrary.

Papists debarred the crown.

And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a popish prince, or by any king or queen marrying a papist, the said Lords spiritual and temporal, and Commons, do further pray that it may be enacted, that all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the see or Church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the crown and government of this realm and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; [and in all and every such case or cases the people of these realms shall be, and are hereby absolved of their allegiance[1];] and the said crown and government shall from time to time descend to, and be enjoyed by such person or persons, being Protestants, as should have inherited and enjoyed the same in case the said person or

[1] Annexed to the original Act in a separate schedule.

persons so reconciled, holding communion, or professing, or marrying as aforesaid, were naturally dead. 1689.

[And that every king and queen of this realm, who at any time hereafter shall come to and succeed in the imperial crown of this kingdom, shall on the first day of the meeting of the first Parliament next after his or her coming to the crown, sitting in his or her throne in the House of Peers, in the presence of the Lords and Commons therein assembled, or at his or her coronation, before such person or persons who shall administer the coronation oath to him or her, at the time of his or her taking the said oath (which shall first happen), make, subscribe, and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles II, entitled, 'An Act for the more effectual preserving the king's person and government, by disabling papists from sitting in either House of Parliament.' But if it shall happen that such king or queen, upon his or her succession to the crown of this realm, shall be under the age of twelve years, then every such king or queen shall make, subscribe, and audibly repeat the said declaration at his or her coronation, or the first day of the meeting of the first Parliament as aforesaid, which shall first happen after such king or queen shall have attained the said age of twelve years[1].] The sovereign to take the declaration of 30 Chas. II, stat. 2, c. 1. If under twelve years old, to be done after attaining that age.

All which their majesties are contented and pleased shall be declared, enacted, and established by authority of this present Parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said majesties, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in Parliament assembled, and by the authority of the same, declared, enacted, and established accordingly. King's assent.

And be it further declared and enacted by the authority aforesaid, that from and after this present session of Par- Dispensation by *Non obstante* made void.

[1] Annexed to the original Act in a separate schedule.

1689. liament, no dispensation by *non obstante* of or to any statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, [and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament [1]].

Pardons excepted before October 23, 1689.

Provided that no charter, or grant, or pardon, granted before the three-and-twentieth day of October, in the year of our Lord 1689, shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law, and no other than as if this Act had never been made.

CXXIII.

THE TOLERATION ACT, A. D. 1689.

1 WILLIAM AND MARY, CAP. 18.

1689. THE Toleration Bill was introduced by the Earl of Nottingham, and passing both Houses with little difficulty became law May 24, 1689.

[Transcr. Statutes of the Realm, vi. p. 74]

Object of the Act—to unite Protestant subjects. The laws against religious nonconformity shall not extend to Dissenters who shall take the

Forasmuch as some ease to scrupulous consciences in the exercise of religion may be an effectual means to unite their majesties' Protestant subjects in interest and affection:

Be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled and by the authority of the same, that neither the statute made in the three-and-twentieth year of the reign of the late Queen Elizabeth, entitled, 'An Act to retain the Queen's majesty's subjects in their due

[1] Annexed to the original Act in a separate schedule.

obedience;' nor the statute made in the twenty-ninth year of the said queen, entitled, 'An Act for the more speedy and due execution of certain branches of the statute made in the three-and-twentieth year of the queen's majesty's reign,' viz. the aforesaid Act; nor that branch or clause of a statute made in the first year of the reign of the said queen, entitled, 'An Act for the uniformity of common prayer and service in the Church, and administration of the sacraments;' whereby all persons, having no lawful or reasonable excuse to be absent, are required to resort to their parish church or chapel, or some usual place where the common prayer shall be used, upon pain of punishment by the censures of the Church, and also upon pain that every person so offending shall forfeit for every such offence twelvepence; nor the statute made in the third year of the reign of the late King James I, entitled, 'An Act for the better discovering and repressing popish recusants;' nor that other statute made in the same year, entitled, 'An Act to prevent and avoid dangers which may grow by popish recusants;' nor any other law or statute of this realm made against papists or popish recusants, except the statute made in the five-and-twentieth year of King Charles II, entitled, 'An Act for preventing dangers which may happen from popish recusants;' and except also the statute made in the thirtieth year of the said King Charles II, entitled, 'An Act for the more effectual preserving the king's person and government, by disabling papists from sitting in either House of Parliament;' shall be construed to extend to any person or persons dissenting from the Church of England, that shall take the oaths mentioned in a statute made this present Parliament, entitled, 'An Act for removing and preventing all questions and disputes concerning the assembling and sitting of this present Parliament;' and shall make and subscribe the declaration mentioned in a statute made in the thirtieth year of the reign of King Charles II, entitled,

1689. oaths of allegiance and supremacy.

Exception from this general repeal of 25 Chas. II, c. 2.

1689. Taking declaration to be registered.

'An Act to prevent papists from sitting in either House of Parliament;' which oaths and declaration the justices of peace at the general sessions of the peace, to be held for the county or place where such person shall live, are hereby required to tender and administer to such persons as shall offer themselves to take, make, and subscribe the same, and thereof to keep a register: and likewise none of the persons aforesaid shall give or pay, as any fee or reward, to any officer or officers belonging to the court aforesaid, above the sum of sixpence, nor that more than once, for his or their entry of his taking the said oaths, and making and subscribing the said declaration; nor above the further sum of sixpence for any certificate of the same, to be made out and signed by the officer or officers of the said court.

Fee for registration and certificate.

Persons convicted of recusancy, taking the oaths, &c., shall be discharged of all penalties, &c.,

And be it further enacted by the authority aforesaid, that all and every person and persons, already convicted or prosecuted in order to conviction of recusancy, by indictment, information, action of debt, or otherwise, grounded upon the aforesaid statutes, or any of them, that shall take the said oaths mentioned in the said statute made this present Parliament, and make and subscribe the declaration aforesaid, in the Court of Exchequer, or assizes, or general or quarter sessions to be held for the county where such person lives, and to be thence respectively certified into the exchequer, shall be thenceforth exempted and discharged from all the penalties, seizures, forfeitures, judgments, and executions incurred by force of any the aforesaid statutes, without any composition, fee, or further charge whatsoever.

and shall not be liable under the Acts 35 Eliz. or 22 Chas. II.

And be it further enacted by the authority aforesaid, that all and every person and persons that shall, as aforesaid, take the said oaths, and make and subscribe the declaration aforesaid, shall not be liable to any pains, penalties, or forfeitures, mentioned in an Act made in the five-and-thirtieth year of the reign of the late Queen Eliza-

beth, entitled, 'An Act to retain the queen's majesty's subjects in their due obedience;' nor in an Act made in the two-and-twentieth year of the reign of the late king Charles II, entitled, 'An Act to prevent and suppress seditious conventicles;' nor shall any of the said persons be prosecuted in any ecclesiastical court, for or by reason of their nonconforming to the Church of England. 1689. nor be prosecuted in any ecclesiastical court.

Provided always, and be it enacted by the authority aforesaid, that if any assembly of persons dissenting from the Church of England shall be had in any place for religious worship with the doors locked, barred, or bolted, during any time of such meeting together, all and every person or persons that shall come to and be at such meeting shall not receive any benefit from this law, but be liable to all the pains and penalties of all the aforesaid laws recited in this Act, for such their meeting, notwithstanding his taking the oaths and his making and subscribing the declaration aforesaid. Persons attending meetings with locked doors excluded from the benefits of this Act, although taking the oaths.

Provided always, that nothing herein contained shall be construed to exempt any of the persons aforesaid from paying of tithes or other parochial duties, or any other duties to the church or minister, nor from any prosecution in any ecclesiastical court or elsewhere, for the same. Tithes saved.

And be it further enacted by the authority aforesaid, that if any person dissenting from the Church of England, as aforesaid, shall hereafter be chosen or otherwise appointed to bear the office of high-constable, or petit-constable, churchwarden, overseer of the poor, or any other parochial or ward office, and such person shall scruple to take upon him any of the said offices in regard of the oaths, or any other matter or thing required by the law to be taken or done in respect of such office, every such person shall and may execute such office or employment by a sufficient deputy, by him to be provided, that shall comply with the laws on this behalf. Provided always, the said Officers who scruple to take oaths, &c., allowed to act by deputy.

1689. deputy be allowed and approved by such person or persons, in such manner as such officer or officers respectively should by law have been allowed and approved.

Ministers, how exempted from 17 Chas. II, c. 2; 22 Chas. II, c. 1 & 14 Chas. II, c. 4.

And be it further enacted by the authority aforesaid, that no person dissenting from the Church of England in Holy Orders, or pretended Holy Orders, or pretending to Holy Orders, nor any preacher or teacher of any congregation of dissenting Protestants, that shall make and subscribe the declaration aforesaid, and take the said oaths at the general or quarter sessions of the peace to be held for the county, town, parts, or division where such person lives, which court is hereby empowered to administer the same, and shall also declare his approbation of and subscribe the Articles of Religion mentioned in the statute made in the thirteenth year of the reign of the late Queen Elizabeth, except the thirty-fourth, thirty-fifth, and thirty-sixth, and these words of the twentieth Article, viz. 'the Church hath power to decree rites or ceremonies, and authority in controversies of faith,' and 'yet,' shall be liable to any of the pains or penalties mentioned in an Act made in the seventeenth year of the reign of King Charles II, entitled, 'An Act for restraining nonconformists from inhabiting in corporations;' nor the penalties mentioned in the aforesaid Act made in the two and-twentieth year of his said late majesty's reign, for or by reason of such persons preaching at any meeting for the exercise of religion; nor to the penalty of one hundred pounds mentioned in an Act made in the thirteenth and fourteenth of King Charles II, entitled, 'An Act for the uniformity of public prayers, and administration of Sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating of bishops, priests, and deacons in the Church of England,' for officiating in any congregation for the exercise of religion permitted and allowed by this Act.

[Provided always, that the making and subscribing the

1689.

said declaration, and the taking the said oaths, and making the declaration of approbation and subscription to the said Articles, in manner as aforesaid, by every respective person or persons hereinbefore mentioned, at such general or quarter sessions of the peace as aforesaid, shall be then and there entered of record in the said court, for which sixpence shall be paid to the clerk of the peace, and no more[1]:] provided that such person shall not at any time preach in any place, but with the doors not locked, barred, or bolted, as aforesaid.

Taking the oaths, &c., to be registered.

Meeting-house doors to be unlocked.

And whereas some dissenting Protestants scruple the baptizing of infants; be it enacted by the authority aforesaid, that every person in pretended Holy Orders, or pretending to Holy Orders, or preacher, or teacher, that shall subscribe the aforesaid Articles of Religion, except before excepted, and also except part of the seven-and-twentieth Article touching infant baptism, and shall take the said oaths, and make and subscribe the declaration aforesaid, in manner aforesaid, every such person shall enjoy all the privileges, benefits, and advantages which any other dissenting minister, as aforesaid, might have or enjoy by virtue of this Act.

Anabaptists.

And be it further enacted by the authority aforesaid, that every teacher or preacher in Holy Orders, or pretended Holy Orders, that is a minister, preacher, or teacher of a congregation, that shall take the oaths herein required, and make and subscribe the declaration aforesaid, and also subscribe such of the aforesaid Articles of the Church of England as are required by this Act in manner aforesaid, shall be thenceforth exempted from serving upon any jury, or from being chosen or appointed to bear the office of churchwarden, overseer of the poor, or any other parochial or ward office or other office in any hundred of any shire, city, town, parish, division, or wapentake.

Teachers exempt from offices.

[1] Annexed to the original Act in a separate schedule.

1689.

Justices of the peace may tender the oaths, &c.

And be it further enacted by the authority aforesaid, that every justice of the peace may at any time hereafter require any person that goes to any meeting for exercise of religion, to make and subscribe the declaration aforesaid, and also to take the said oaths or declaration of fidelity hereinafter mentioned, in case such person scruples the taking of an oath, and upon refusal thereof, such justice of the peace is hereby required to commit such person to prison without bail or mainprize, and to certify the name of such person to the next general or quarter sessions of the peace to be held for that county, city, town, part, or division where such person then resides; and if such person so committed shall upon a second tender at the general or quarter sessions refuse to make and subscribe the declaration aforesaid, such person refusing shall be then and there recorded, and he shall be taken thenceforth to all intents and purposes for a popish recusant convict, and suffer accordingly, and incur all the penalties and forfeitures of all the aforesaid laws.

Penalty for refusing.

Quakers, how exempted.

And whereas there are certain other persons, dissenters from the Church of England, who scruple the taking of any oath; be it enacted by the authority aforesaid, that every such person shall make and subscribe the aforesaid declaration, and also this declaration of fidelity following, viz.

Declaration of fidelity.

'I, *A. B.*, do sincerely promise and solemnly declare before God and the world, that I will be true and faithful to King William and Queen Mary; and I do solemnly profess and declare, that I do from my heart abhor, detest, and renounce, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought

to have any power, jurisdiction, superiority, pre-eminence, or authority ecclesiastical or spiritual within this realm.' 1689.

[And shall subscribe a profession of their Christian belief in these words:

'I, *A. B.*, profess faith in God the Father, and in Jesus Christ His eternal Son the true God, and in the Holy Spirit, one God blessed for evermore, and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine inspiration.' Profession.

Which declarations and subscription shall be made and entered of record at the general quarter sessions of the peace of the county, city, or place where every such person shall then reside[1].] And every such person that shall make and subscribe the two declarations and profession aforesaid, being thereunto required, shall be exempted from all the pains and penalties of all and every the aforementioned statutes made against popish recusants, or Protestant non-conformists, and also from the penalties of an Act made in the fifth year of the reign of the late Queen Elizabeth, entitled, 'An Act for the assurance of the queen's royal power over all estates and subjects within her dominions,' for or by reason of such persons not taking or refusing to take the oath mentioned in the said Act; and also from the penalties of an Act made in the thirteenth and fourteenth years of the reign of King Charles II, entitled, 'An Act for preventing mischiefs that may arise by certain persons, called Quakers, refusing to take lawful oaths;' and enjoy all other the benefits, privileges, and advantages under the like limitations, provisoes, and conditions, which any other dissenters shall or ought to enjoy by virtue of this Act. Declaration and Profession, to be entered of record. Benefits to those subscribing.

Provided always, and be it enacted by the authority aforesaid, that in case any person shall refuse to take the said oaths, when tendered to them, which every justice of How purged after refusal.

[1] Annexed to the original Act in a separate schedule.

1689. the peace is hereby empowered to do, such person shall not be admitted to make and subscribe the two declarations aforesaid, though required thereunto either before any justice of the peace, or at the general or quarter sessions, before or after any conviction of popish recusancy, as aforesaid, unless such person can, within thirty-one days after such tender of the declarations to him, produce two sufficient Protestant witnesses to testify upon oath that they believe him to be a Protestant dissenter, or a certificate under the hands of four Protestants, who are conformable to the Church of England, or have taken the oaths and subscribed the declaration above mentioned, and shall also produce a certificate under the hands and seals of six or more sufficient men of the congregation to which he belongs, owning him for one of them.

Provided also, and be it enacted by the authority aforesaid, that until such certificate, under the hands of six of his congregation, as aforesaid, be produced, and two Protestant witnesses come to attest his being a Protestant dissenter, or a certificate under the hands of four Protestants, as aforesaid, be produced, the justice of the peace shall and hereby is required to take a recognizance with two sureties in the penal sum of fifty pounds, [to be levied of his goods and chattels, lands, and tenements, to the use of the king's and queen's majesties, their heirs and successors [1],] for his producing the same; and if he cannot give such security, to commit him to prison, there to remain until he has produced such certificates, or two witnesses, as aforesaid.

Laws for divine service in force.

Provided always, and it is the true intent and meaning of this Act, that all the laws made and provided for the frequenting of divine service on the Lord's day commonly called Sunday, shall be still in force, and executed against all persons that offend against the said laws, except

[1] Annexed to the original Act in a separate schedule.

such persons come to some congregation or assembly of religious worship, allowed or permitted by this Act. 1689.

Papists, &c., excepted.

Provided always, and be it further enacted by the authority aforesaid, that neither this Act, nor any clause, article, or thing herein contained, shall extend or be construed to extend to give any ease, benefit, or advantage to any papist or popish recusant whatsoever, or any person that shall deny in his preaching or writing the doctrine of the blessed Trinity, as it is declared in the aforesaid Articles of Religion.

Punishment of disturbers of religious worship.

Provided always, and be it enacted by the authority aforesaid, that if any person or persons, at any time or times after the tenth day of June, do and shall willingly and of purpose, maliciously or contemptuously come into any cathedral or parish church, chapel, or other congregation permitted by this Act, and disquiet or disturb the same, or misuse any preacher or teacher, such person or persons, upon proof thereof before any justice of peace, by two or more sufficient witnesses, shall find two sureties to be bound by recognizance in the penal sum of fifty pounds, and in default of such sureties shall be committed to prison, there to remain till the next general or quarter sessions; and upon conviction of the said offence at the said general or quarter sessions, shall suffer the pain and penalty of twenty pounds, [to the use of the king's and queen's majesties, their heirs and successors [1].]

Places of worship to be certified.

Provided always, that no congregation or assembly for religious worship shall be permitted or allowed by this Act, until the place of such meeting shall be certified to the bishop of the diocese, or to the archdeacon of that archdeaconry, [or to the justices of the peace at the general or quarter sessions of the peace for the county, city, or place [1]] in which such meeting shall be held, and registered in the said bishop's or archdeacon's court respectively, or

[1] Annexed to the original Act in a separate schedule.

1689. recorded at the said general or quarter sessions; the register or clerk of the peace whereof respectively is hereby required to register the same, and to give certificate thereof to such person as shall demand the same, for which there shall be no greater fee nor reward taken, than the sum of sixpence.

CXXIV.

THE ACT OF SETTLEMENT, A. D. 1700.

12 & 13 WILLIAM III, CAP. 2.

1700. THIS Act, necessitated by the untimely death of the young Duke of Gloucester, son of the Princess Anne, was passed in the year 1700. It has been subsequently modified in some few particulars, e. g. the second article by the separation of Hanover on the accession of Queen Victoria; the third soon after the accession of George I; the fourth in 1705; the fifth was repealed by 7 & 8 Victoria, c. 66; the sixth was altered in 1705; the seventh was made somewhat more stringent by the exclusion of the judges from Parliament.

[Transcr. Statutes of the Realm, vii. p. 636.]

Recital of 1 William and Mary, s. 2, cap. 2 (*ante*, No. CXXII).

Whereas in the first year of the reign of your majesty, and of our late most gracious sovereign lady Queen Mary (of blessed memory), an Act of Parliament was made, entitled, 'An Act for declaring the rights and liberties of the subject, and for settling the succession of the crown,' wherein it was (amongst other things) enacted, established, and declared that the crown and regal government of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, should be and continue to your majesty and the said late queen, during the joint lives of your majesty and the said queen, and to the survivor: and that after the decease of your majesty and of the said queen, the said crown and regal government should be and remain to the heirs of the body of the said late queen; and for default of such issue, to her royal highness the Princess Anne of Denmark, and the heirs of her body; and for

default of such issue, to the heirs of the body of your majesty. And it was thereby further enacted, that all and every person and persons that then were, or afterwards should be reconciled to, or shall hold communion with the see or Church of Rome, or should profess the popish religion, or marry a papist, should be excluded, and are by that Act made for ever incapable to inherit, possess, or enjoy the crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any real power, authority, or jurisdiction within the same: and in all and every such case and cases the people of these realms shall be and are thereby absolved of their allegiance: and that the said crown and government shall from time to time descend to and be enjoyed by such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons, so reconciled, holding communion, professing or marrying, as aforesaid, were naturally dead: 1700.

Death of Queen Mary without issue, and of William, duke of Gloucester.

After the making of which statute, and the settlement therein contained, your majesty's good subjects, who were restored to the full and free possession and enjoyment of their religion, rights, and liberties, by the providence of God giving success to your majesty's just undertakings and unwearied endeavours for that purpose, had no greater temporal felicity to hope or wish for, than to see a royal progeny descending from your majesty, to whom (under God) they owe their tranquillity, and whose ancestors have for many years been principal assertors of the reformed religion and the liberties of Europe, and from our said most gracious sovereign lady, whose memory will always be precious to the subjects of these realms: and it having since pleased Almighty God to take away our said sovereign lady, and also the most hopeful Prince William, duke of Gloucester (the only surviving issue of her royal highness

1700. the Princess Anne of Denmark), to the unspeakable grief and sorrow of your majesty and your said good subjects, who under such losses being sensibly put in mind, that it standeth wholly in the pleasure of Almighty God to prolong the lives of your majesty and of her royal highness, and to grant to your majesty, or to her royal highness, such issue as may be inheritable to the crown and regal government aforesaid, by the respective limitations in the said recited Act contained, do constantly implore the Divine mercy for those blessings: and your majesty's said subjects having daily experience of your royal care and concern for the present and future welfare of these kingdoms, and particularly recommending from your throne a further provision to be made for the succession of the crown in the Protestant line, for the happiness of the nation, and the security of our religion; and it being absolutely necessary for the safety, peace, and quiet of this realm, to obviate all doubts and contentions in the same, by reason of any pretended titles to the crown, and to maintain a certainty in the succession thereof, to which your subjects may safely have recourse for their protection, in case the limitations in the said recited Act should determine:

Further provision for the throne necessary.

Therefore for a further provision of the succession of the crown in the Protestant line, we your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in this present Parliament assembled, do beseech your majesty that it may be enacted and declared, and be it enacted and declared by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the most excellent Princess Sophia, electress and duchess dowager of Hanover, daughter of the most excellent Princess Elizabeth, late queen of Bohemia, daughter of our late sovereign lord King James I, of happy memory,

Princess Sophia declared next successor to the crown,

be and is hereby declared to be the next in succession, in the Protestant line, to the imperial crown and dignity of the said realms of England, France, and Ireland, with the dominions and territories thereunto belonging, after his majesty and the Princess Anne of Denmark, and in default of issue of the said Princess Anne and of his majesty respectively: and that from and after the deceases of his said majesty, our now sovereign lord, and of her royal highness the Princess Anne of Denmark, and for default of issue of the said Princess Anne and of his majesty respectively, the crown and regal government of the said kingdoms of England, France, and Ireland, and of the dominions thereunto belonging, with the royal state and dignity of the said realms, and all honours, styles, titles, regalities, prerogatives, powers, jurisdictions, and authorities to the same belonging and appertaining, shall be, remain, and continue to the said most excellent Princess Sophia, and the heirs of her body, being Protestants; and thereunto the said Lords spiritual and temporal, and Commons, shall and will, in the name of all the people of this realm, most humbly and faithfully submit themselves, their heirs and posterities; and do faithfully promise that after the deceases of his majesty and her royal highness, and the failure of the heirs of their respective bodies, to stand to, maintain, and defend the said Princess Sophia, and the heirs of her body, being Protestants, according to the limitation and succession of the crown in this Act specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary.

1700.

after the king and Princess Anne of Denmark and their issue, &c.

and the heirs of her body, being Protestants.

Provided always, and it is hereby enacted, that all and every person and persons, who shall or may take or inherit the said crown, by virtue of the limitation of this present Act, and is, are, or shall be reconciled to, or shall hold communion with, the see or Church of Rome, or shall profess

Roman Catholics incapacitated from inheriting the crown.

1700. the popish religion, or shall marry a papist, shall be subject to such incapacities as in such case or cases are by the said recited Act provided, enacted, and established; and that every king and queen of this realm, who shall come to and succeed in the imperial crown of this kingdom, by virtue of this Act, shall have the coronation oath administered to him, her, or them, at their respective coronations, according to the Act of Parliament made in the first year of the reign of his majesty and the said late Queen Mary, entitled, 'An Act for establishing the coronation oath,' and shall make, subscribe, and repeat the declaration in the Act first above recited mentioned or referred to, in the manner and form thereby prescribed.

Kings and queens to take the coronation oath,

and subscribe the declaration.

Conditions for securing religion, &c., in default of issue of the Princess Anne and of the king.

And whereas it is requisite and necessary that some further provision be made for securing our religion, laws, and liberties, from and after the death of his majesty and Princess Anne of Denmark, and in default of such issue of the body of the said princess and of his majesty respectively; be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in Parliament assembled, and by the authority of the same:—

The sovereign shall join the Church of England.

That whosoever shall hereafter come to the possession of this crown shall join in communion with the Church of England, as by law established.

The nation not bound to engage in foreign wars.

That in case the crown and imperial dignity of this realm shall hereafter come to any person, not being a native of this kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the crown of England, without the consent of Parliament.

The sovereign shall not quit England but by consent of

That no person who shall hereafter come to the possession of this crown shall go out of the dominions of England, Scotland, or Ireland, without consent of Parliament.

That from and after the time that the further limitation

by this Act shall take effect, all matters and things relating to the well governing of this kingdom, which are properly cognizable in the Privy Council by the laws and customs of this realm, shall be transacted there, and all resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same. 1700. Parliament. Of things cognizable by the Privy Council.

That after the said limitation shall take effect as aforesaid, no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized or made a denizen, except such as are born of English parents), shall be capable to be of the Privy Council, or a member of either House of Parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the crown, to himself or to any other or others in trust for him. Who may be made privy councillors.

That no person who has an office or place of profit under the king, or receives a pension from the crown, shall be capable of serving as a member of the House of Commons. Who may sit in the House of Commons.

That after the said limitation shall take effect as aforesaid, judges' commissions be made *quamdiu se bene gesserint*, and their salaries ascertained and established; but upon the address of both Houses of Parliament it may be lawful to remove them. How judges may be appointed.

That no pardon under the great seal of England be pleadable to an impeachment by the Commons in Parliament. Of pardon under the great seal.

And whereas the laws of England are the birthright of the people thereof, and all the kings and queens, who shall ascend the throne of this realm, ought to administer the government of the same according to the said laws, and all their officers and ministers ought to serve them respectively according to the same: the said Lords spiritual and temporal, and Commons, do therefore further humbly pray, that all the laws and statutes of this realm for securing the established religion, and the rights and liberties of the people All laws for securing the established religion, &c., confirmed.

1700. thereof, and all other laws and statutes of the same now in force, may be ratified and confirmed, and the same are by his majesty, by and with the advice and consent of the said Lords spiritual and temporal, and Commons, and by authority of the same, ratified and confirmed accordingly.

WITHDRAWN

THE END.

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